

*Kimmie S. Bagley v*  
*United States of America*

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*Darci Spitzer*  
*December 28, 2022*

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF MONTANA 3 BILLINGS DIVISION</p> <hr/> <p>4 KIMMIE S. BAGLEY, 5 Plaintiff, 6 v. Cause No. CV-21-112-BLG-SPW 7 UNITED STATES OF AMERICA, 8 Defendant.</p> <hr/> <p>10 DEPOSITION OF DARCI SPITZER</p> <hr/> <p>12 BE IT REMEMBERED, that the deposition upon oral 13 examination of DARCI SPITZER, appearing at the instance 14 of Plaintiff, was taken on Wednesday, December 28th, 15 2022, beginning at the hour of 9:00 a.m., via Zoom, 16 pursuant to the Montana Rules of Civil Procedure, and 17 later transcribed by Julie DeLong, Registered 18 Professional Reporter, Fisher Court Reporting, 422 East 19 Mendenhall Street, Bozeman, Montana 59715.</p>	<p>Page 3</p> <p>1 I N D E X 2 3 EXAMINATION OF DARCI SPITZER BY: PAGE: 4 Mr. Evans..... 5 4 Mr. Newman..... 119 5 Mr. Evans..... 125</p>
<p>Page 2</p> <p>1 APPEARANCES 2 3 ATTORNEY APPEARING ON BEHALF OF THE PLAINTIFF, 4 Alex K. Evans 5 Wayne E. Olson 6 Glacier Law Firm 7 165 Common Loop, Suite 3 8 Kalispell, MT 59901 9 (406) 552-4343 (Phone) 10 (406) 730-5909 (Fax) 11 Email: alex@glacierlawfirm.com 12 wayne@glacierlawfirm.com</p> <p>13 ATTORNEY APPEARING ON BEHALF OF THE DEFENDANT, 14 John M. Newman 15 Assistant United States Attorney 16 U.S. Attorney's Office - Missoula 17 PO Box 8329 18 101 East Front Street, Suite 401 19 Missoula, MT 59802 20 (406) 829-3336 21 Email: john.newman@usdoj.gov</p>	<p>Page 4</p> <p>1 EXHIBITS 2 3 EXHIBIT NO.: DESCRIPTION: PAGE: 4 EXHIBIT 1 United States' Initial 5 Disclosure Statement..... 5 6 EXHIBIT 2 Accident Investigation 7 Worksheet..... 5 8 EXHIBIT 3 Lease..... 5 9 EXHIBIT 4 ORDER/SOLICITATION/ 10 OFFER/AWARD..... 5 11 EXHIBIT 5 Revised Handbook EL-801, 12 Supervisor's Safety 13 Handbook..... 5 14 EXHIBIT 6 Maintenance Handbook MS-10 15 Floors, Care and 16 Maintenance..... 5 17 EXHIBIT 7 Handbook EL-801, 18 Supervisor's Safety 19 Handbook, June 2008..... 5 20 EXHIBIT 9 Interview of Matthew Ponce 21 November 17, 2020..... 5 22 EXHIBIT 10 3/6/19 Request for snow 23 removal..... 5 24 EXHIBIT 11 Spreadsheet..... 5 25 EXHIBIT 12 Invoices from JLL..... 5 EXHIBIT 13 Invoice from JLL..... 5 EXHIBIT 14 Invoice from JLL..... 5</p>

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1 WHEREUPON, the following proceedings were had and  
2 testimony taken, to-wit:

3  
4 \* \* \* \* \*

5  
6 (The witness was duly sworn.)

7  
8 (Exhibit Numbers 1, 2, 3, 4, 5, 6, 7, 9,  
9 10, 11, 12, 13, and 14 were marked prior to  
10 the deposition.)

11  
12 **DIRECT EXAMINATION**

13 **BY MR. EVANS:**

14 **Q. Could you please state your full name for the**  
15 **record?**

16 A. Darci Spitzer.

17 **Q. Have you ever be deposed before?**

18 A. Uhm, not that I remember, no.

19 **Q. In your deposition, I'm going to be asking**  
20 **questions, and you are going to be answering them under**  
21 **oath.**

22 **Do you understand this?**

23 A. Yes.

24 **Q. There are a few differences between a**  
25 **deposition and a typical conversation that I want to**

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1 **or limit you today from giving truthful answers to my**  
2 **questions?**

3 A. No.

4 **Q. What documents have you reviewed to prepare**  
5 **for your deposition?**

6 A. Uhm, no documents.

7 **Q. Any videos?**

8 A. No videos.

9 **Q. Photographs?**

10 A. No.

11 **Q. So, is it okay if I call you "Darci"?**

12 A. Yes.

13 **Q. Darci, what's your educational background?**

14 A. Uhm, high school, and one year of college.

15 **Q. And what high school?**

16 A. Laurel High School, Laurel, Montana.

17 **Q. What year was that -- what year did you**  
18 **graduate?**

19 A. 1990.

20 **Q. What college did you go to?**

21 A. It was "Eastern Montana College" back then.

22 **Q. What's it called now?**

23 A. "Montana State University Billings."

24 **Q. What did you study?**

25 A. I was going into journalism. So, just

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1 **make you aware of.**

2 **First, the court reporter is attempting to**  
3 **transcribe everything we say. In a normal conversation,**  
4 **folks sometimes interrupt, or talk over each other, but,**  
5 **here, it's important that we wait for each other to**  
6 **finish asking or answering a question before the other**  
7 **begins talking.**

8 **Do you understand this?**

9 A. Yes.

10 **Q. Second, since this is an oral transaction, the**  
11 **court reporter cannot indicate head nods or other**  
12 **gestures, or "uh-huhs" or "huh-uhs;" thus, every answer**  
13 **needs to be verbal.**

14 **Do you that understand this?**

15 A. Yes.

16 **Q. Finally, unlike a typical conversation, your**  
17 **answers today are under oath, this subjects you to**  
18 **potential criminal charges of perjury for willfully**  
19 **giving false, misleading, or incomplete testimony under**  
20 **oath.**

21 **Do you understand this?**

22 A. Yes.

23 **Q. Is there any reason, such as being under**  
24 **unusual stress, a physical or mental condition, or being**  
25 **Under the influence of any substances that would prevent**

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1 generals.

2 **Q. How many credits did you complete?**

3 A. I don't remember, honestly. That was a long  
4 time ago. So, one year of college.

5 **Q. So, I think I --**

6 A. Before I got --

7 **Q. Sorry. Go ahead.**

8 A. Just one year of college before I got my job  
9 at the post office, so I don't remember the credits that  
10 I took.

11 **Q. I think, typically, in a semester, it's,**  
12 **normally, like, 15 credits. So, would that be**  
13 **approximately 30 credits you think you -- you ended**  
14 **with?**

15 A. I -- I don't know, honestly. I don't  
16 remember.

17 **Q. What type of courses did you take?**

18 A. Uhm, just the general courses; math, science.  
19 That was -- that was, like --

20 **Q. Math, science --**

21 A. -- 30 years ago.

22 **Q. -- English, history, those types of classes?**

23 A. Yeah. Yeah.

24 **Q. Have you taken any classes from a trade**  
25 **school?**

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1 A. No.  
 2 **Q. Any other education?**  
 3 A. No.  
 4 **Q. Other than a driver's license, do you have any**  
 5 **type of licenses?**  
 6 A. Nope.  
 7 **Q. Do you have any type of certifications or**  
 8 **accreditations?**  
 9 A. No.  
 10 **Q. How long have you worked with the post**  
 11 **office?**  
 12 A. Since 1993.  
 13 **Q. What positions have you had at the post**  
 14 **office?**  
 15 A. Uhm, I was a clerk, a letter carrier, a  
 16 supervisor, manager of customer service, and, currently,  
 17 a postmaster.  
 18 **Q. And where have you worked?**  
 19 A. Uhm, all of my time, other than the last three  
 20 years, was in -- at the Billings Post Office. And  
 21 I'm -- and since December of '19, I was at -- I've been  
 22 in Laurel, at the Laurel Post Office.  
 23 **Q. Okay. I'm a little confused about the dates.**  
 24 **All of -- all of your time -- so -- so, from 1993 to**  
 25 **December of 2019, you worked at the Billings Post**

1 **Q. Yes.**  
 2 A. Uhm, yes. (Shrugs shoulders)  
 3 **Q. Okay. Have there been any significant**  
 4 **reconstruction or other structural changes to the**  
 5 **Centennial Post Office between, say, December of 2018**  
 6 **and the present?**  
 7 A. Not that I'm aware of.  
 8 **Q. Back on January 4th of 2019, where exactly**  
 9 **were you working in -- yeah, where exactly were you**  
 10 **working?**  
 11 A. At the Centennial Post Office.  
 12 **Q. Oh. What was your job title there?**  
 13 A. Manager of Customer Service.  
 14 **Q. What does the manager of customer service**  
 15 **do?**  
 16 A. It's -- I'm, like, the manager of the entire  
 17 office. I oversaw the entire office.  
 18 **Q. So, what -- what were your job duties?**  
 19 A. Well, I had two supervisors that my -- were my  
 20 subordinate supervisors that I managed, and 21 letter  
 21 carriers. And let's -- five or six clerks to work the  
 22 window, and I managed the office.  
 23 **Q. Did you have a superior directly over you at**  
 24 **the Centennial office?**  
 25 A. Yes, the postmaster of the Billings.

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1 **Office?**  
 2 A. Yeah. In four of the stations -- you know,  
 3 there is five stations in Billings, so I -- but it's all  
 4 part of the Billings Post Office.  
 5 **Q. And just so I completely understand here, I**  
 6 **want to make sure I understand this, Darci, if I'm doing**  
 7 **my math right, that's approximately 26 years that you've**  
 8 **been in the Billings Post Office-greater area?**  
 9 A. (Nods head affirmatively) Yes.  
 10 **Q. Okay. Where do you currently work?**  
 11 A. At the Laurel Post Office.  
 12 **Q. And what's your job title there?**  
 13 A. Postmaster.  
 14 **Q. Are you familiar with the Centennial Post**  
 15 **Office location?**  
 16 A. Yes, I am.  
 17 **Q. Okay. And I'll probably be asking you a lot**  
 18 **of questions today pertaining to the post office as it**  
 19 **was on or about January 4th of 2019.**  
 20 **Are you familiar -- and, maybe, not**  
 21 **specifically that day, but, in general, January of 2019,**  
 22 **about the Centennial Post Office?**  
 23 A. Am I familiar with it? Is that --  
 24 **Q. Yes. (Nods head affirmatively)**  
 25 A. Is that what you said?

1 **Q. Did the postmaster of Billings have an office**  
 2 **at the Centennial Post Office?**  
 3 A. No.  
 4 **Q. And did you have an office at the Centennial**  
 5 **Post Office?**  
 6 A. Yes, I did.  
 7 **Q. So, was there -- and did you work there on a**  
 8 **daily basis?**  
 9 A. Yes.  
 10 **Q. Okay. So, on a daily basis, was there anyone**  
 11 **else higher than you working at that post office?**  
 12 A. No.  
 13 **Q. We are talking about this time period here,**  
 14 **again, January of 2019, and I'm going to have some**  
 15 **general questions.**  
 16 **How many customers a day did the Centennial**  
 17 **Post Office serve?**  
 18 A. Hmm... I mean, if I was to guess, I -- I  
 19 wouldn't even know. It just depends on the day. 50 to  
 20 100, maybe? I mean, I -- I wouldn't even know how many  
 21 there would be a day.  
 22 **Q. What are the features at the Centennial Post**  
 23 **Office?**  
 24 A. Uhm, so you mean, like, there's a --  
 25 **MR. NEWMAN: Oop. One second, Darci.**

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1 Sorry. Objection; vague. But you can go ahead and  
2 answer.

3 **THE WITNESS:** So, what are you -- repeat  
4 the question, then.

5 **BY MR. EVANS:**

6 **Q. Yeah. What features does the Centennial Post**  
7 **Office have?**

8 A. Uhm, so, like, a window section, where people  
9 come up to the counter. Is that kind of what you're  
10 meaning?

11 **Q. Yeah. Yeah. I don't know if it processes**  
12 **mail, if it has P.O. boxes, has a window to pickup and**  
13 **drop off packages. I -- those types of features. I**  
14 **know different post offices have different types of**  
15 **features and service, so I'm trying to get an idea of**  
16 **the features and services of that post office.**

17 A. Yeah. So, it does have a window. It has a --  
18 the post office boxes. A self-service kiosk machine.  
19 Uhm, we do -- the Centennial station does a parcel sort  
20 for all of 59102 zip code. And just our normal, you  
21 know, letter carriers and clerks.

22 **Q. How does it compare in size to the other post**  
23 **offices in Billings?**

24 A. So, it's probably the second biggest office to  
25 Billings, employee-wise.

1 **Q. Okay. Would it be reasonable to say that**  
2 **there are, at least, probably, a couple hundred people**  
3 **coming and going from the post office on a daily**  
4 **basis?**

5 A. I -- again, I -- I don't -- I wouldn't even  
6 have a guess. I don't know.

7 **Q. Okay.**

8 A. I don't keep track of that.

9 **Q. How -- when did you first start your position**  
10 **as the manager in customer service there at**  
11 **Centennial?**

12 A. I'm thinking it was, like, 2010. I --  
13 approximately.

14 **Q. So, you worked at -- and was it there at**  
15 **Centennial?**

16 A. Yes.

17 **Q. Okay. So -- so, roughly, 2010, to December of**  
18 **2019, you were the manager at the customer service at**  
19 **the Centennial Post Office.**

20 A. Correct.

21 **Q. Before that, what was your position?**

22 A. Supervisor of Customer Service.

23 **Q. Okay. And where was that at?**

24 A. Uhm, just prior to my manager of customer  
25 service, I was the supervisor at Centennial.

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1 **Q. Uhm, how many P.O. boxes does it have?**

2 A. Oh, I think it was around 1,000.

3 **Q. Okay. So, 1,000 -- are most of those**  
4 **occupied?**

5 A. Uhm, I would say, maybe, three-quarters were  
6 occupied.

7 **Q. Okay.**

8 A. 75 percent, maybe.

9 **Q. 75 percent.**

10 **So, I'm just trying to get an idea about the**  
11 **customers. So, previously, you thought, probably, 50 to**  
12 **100 a day. If we are including P.O. box -- "recipient"**  
13 **is probably not the right word, but I don't think it**  
14 **would be a "P.O. box owner." Because you rent a P.O.**  
15 **box. Is the correct terminology, would that be a "P.O.**  
16 **box renter"?**

17 A. Yeah, customer.

18 **Q. A P.O. box customer. Okay.**

19 **So, if you're including the P.O. box**  
20 **customers, which you said there is about 1,000,**  
21 **three-quarters full, how many nonemployees do you think**  
22 **are -- are going through that post office in a day?**

23 A. I wouldn't even know who doesn't come up to  
24 the counter and checks their P.O. box on a daily basis.  
25 Or if they do, or not. I wouldn't know.

1 **Q. And when did you do that from?**

2 A. Oh, I -- I was there, maybe, three -- three  
3 years, as the supervisor, before I got the manager  
4 position.

5 **Q. Okay.**

6 A. Again, I -- I don't have my paperwork in front  
7 of me, so I don't know the exact dates.

8 **Q. Understandable.**

9 **And before the supervisor role, what was the**  
10 **role before that?**

11 A. I was the Supervisor of Customer Service at  
12 the main post office in Billings.

13 **Q. And the Centennial, that's on Grand, right?**

14 A. Right.

15 **Q. What -- what one is the main one on -- what's**  
16 **the road there?**

17 A. That's on South -- South 26th Street.

18 **Q. Okay.**

19 A. In Billings.

20 **Q. And how long did you perform that position?**

21 A. Since 1999, is when I was promoted to  
22 Supervisor of Customer Service.

23 **Q. Okay. So, let me -- let me see if this is an**  
24 **accurate description of the jobs, Darci. So, starting**  
25 **back in 1999, you were the supervisor of customer**

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1 service at the main post office in Billings. You did  
2 that until 2007, where you were the supervisor of  
3 customer service at Centennial. You did that, then, for  
4 three years, where -- until you got promoted as the  
5 manager in customer service at the Centennial Post  
6 Office, and you did that from 2010 to 2019.

7 Is that an accurate summary of your job  
8 history from 1999 through December 2019?

9 A. It would be approximate. Like I said, I don't  
10 know specific dates that I went to Centennial. I mean,  
11 I don't have that in front of me. But that's  
12 approximately my job history, yes.

13 Q. Okay. I -- during that time, did you work any  
14 other jobs outside of the post office?

15 A. (Pause) No.

16 Q. Okay. What type of training did you receive  
17 for the manager in customer service position?

18 A. Uhm, I don't remember. I mean, I've taken so  
19 many training classes that -- that I don't -- I don't  
20 specifically remember taking a class just for that job.  
21 It's ongoing training.

22 Q. What -- what type of training classes have you  
23 taken?

24 A. (Chuckles) Oh, uhm, I mean, I don't -- I  
25 don't even know where to start. Like, we have training

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1 classes due yearly, you know, like, bank secrecy. I  
2 don't -- I wouldn't even know how to explain all of  
3 that. Like, it's ongoing training, you know.

4 Q. Okay. How many hours a year are you doing  
5 training?

6 A. Uhm, I wouldn't even know.

7 Q. Okay. Well, so, like, for lawyers, we have to  
8 have a certain amount of credits, which are hourly,  
9 it's, like, 15 a year, that then you report to the Bar.  
10 Is there -- for -- for your position, is there hourly  
11 training requirements that you have to complete every  
12 year?

13 A. No. It's just training that comes out from,  
14 maybe, headquarters, or whatever, and then we all just  
15 have to take it. But it's not a specific amount every  
16 year.

17 Q. So, are these classes, or bulletins, or how  
18 is -- what's the medium, as far as the training?

19 A. Mostly, online classes, online learning.

20 Q. And how often are you doing the online  
21 training or learning. Quarterly?

22 A. When I have -- when I have time. When my job  
23 allows me to sit in front of a computer and -- maybe,  
24 like, for an hour and catch up the training.

25 Q. Okay. So, is that -- when you say "an hour,"

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1 would that be an hour a month, an hour a quarter, an  
2 hour a year?

3 A. It's whenever I can get on, I guess.

4 Q. Okay. When was the last time that you had --  
5 you completed a training?

6 A. Uhm, I completed a training last week.

7 Q. And before that?

8 A. Uhm, my -- I can't remember. Because, I mean,  
9 December is very busy, so... I had a chance to sit down  
10 late last week to get one done.

11 Q. Have you done another one this year?

12 A. Uhm, not since this last one I did just last  
13 week.

14 Q. Okay. So, as far as you can remember, you've  
15 done one this year?

16 A. Oh, the entire year? Yeah, I've probably done  
17 some classes the entire year. But I don't remember how  
18 many.

19 Q. Okay. Would you say it was more or less than  
20 five?

21 A. Uhm, more.

22 Q. Okay. More or less than ten?

23 A. Uhm, more.

24 Q. More?

25 A. Yeah.

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1 Q. More or less than 15?

2 A. Probably, right around there, 15.

3 Q. Okay. Sorry if it feels like I'm --

4 A. I don't remember.

5 Q. Sorry if it feels like we are on The Price Is  
6 Right.

7 A. Yeah. (Chuckles) I don't remember. I  
8 honestly don't remember --

9 Q. Okay.

10 A. -- how many times I've sat at my computer.

11 Q. So, it sounds like ten to 15 times. Is that  
12 pretty typical during a year?

13 A. Uhm, I -- I suppose. I don't know.

14 Q. Okay?

15 A. Different things come out during the year, so  
16 we just do them when we can.

17 Q. So, from what you've described, it sounds like  
18 it's about an hour a month, as far, then, the training.  
19 Is that pretty consistent every year, about an hour a  
20 month?

21 A. Maybe. I don't know.

22 Q. Okay. Darci, do you recall any trainings on  
23 safety?

24 A. I mean, we always get safety -- safety  
25 bulletins, e-mails.



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1 **Q. Okay. What type of safety bulletins and**  
2 **e-mails?**

3 A. Just, like, stand-up talks, you know,  
4 messages. We also have safety trainings we've got to  
5 take. Like, the one that I just took last week was  
6 HAZMAT. I mean, it's just -- they are ongoing.

7 **Q. Okay. What types of things in those safety**  
8 **bulletins and trainings do they discuss?**

9 A. Uhm, well, heat stress, frostbite, safe  
10 driving, safe walking, you know, mental -- mental stress  
11 at the holidays. Anything. Anything that, you know,  
12 would pertain to our job, I guess.

13 **Q. Does the post office emphasize safety?**

14 A. Yeah, I think they do.

15 **Q. Okay. Do -- do you emphasize safety to**  
16 **your -- your fellow employees and subordinates at the**  
17 **post office?**

18 A. Yeah. Yes.

19 **Q. Is -- when we're talking about -- I know**  
20 **you're in the postmaster position now; but when you were**  
21 **back in the manager and customer service, is there a**  
22 **manual for your position?**

23 A. No, not really. I mean, not really. We have  
24 an Employee and Labor Relations Manual, it's kind of --  
25 it's kind of our rules. It's not specific to my job,

Page 22

Page 24

1 it's just --

2 **Q. Okay. The Employee and Labor Relations**  
3 **Manual, what's that?**

4 A. Uhm, it's just like our rule book, I guess.

5 **Q. Okay. And what type of rules does it contain**  
6 **or pertain to?**

7 A. Uhm, it covers pretty much everything;  
8 conduct, leave, a whole bunch of stuff. Like, I don't  
9 have it in front of me, it's very big, but...

10 **Q. Okay. In that manual, the Employee and Labor**  
11 **Relations Manual, are the items listed in there, you**  
12 **said they were rules, are those -- following those**  
13 **rules, is that discretionary or mandatory?**

14 **MR. NEWMAN:** Objection; calls for a legal  
15 conclusion. But you can answer that question, if  
16 you know.

17 **THE WITNESS:** If it's discretionary or  
18 mandatory? Is that --

19 **BY MR. EVANS:**

20 **Q. Yeah.**

21 A. Well, I -- I can be held accountable if I  
22 don't follow those rules. And other employees can be  
23 held accountable.

24 **Q. Okay. So, if you violate the rules, there**  
25 **will be adverse consequences. Is that fair?**

1 A. There could be.

2 **Q. Could be? What's the purpose of having the**  
3 **manual?**

4 A. I don't know. It's the -- it's our -- I don't  
5 know. I don't have an answer to that.

6 **Q. As -- when you were at Centennial in your**  
7 **role, did you ever have to train employees?**

8 A. Yeah, I did.

9 **Q. Did you ever have to punish employees?**

10 A. Yes.

11 **Q. Okay. Did you -- did you ever punish**  
12 **employees for violation of the rules?**

13 A. Yes.

14 **Q. Okay. So, if -- if a rule is broken and**  
15 **requires punishment, would you categorize, then, that**  
16 **rule as -- as far as obedience, being mandatory?**

17 A. Yes.

18 **MR. NEWMAN:** Objection; calls for --  
19 **THE WITNESS:** Oh.

20 **MR. NEWMAN:** Calls for a legal  
21 conclusion. You can answer it, though, Darci.

22 **BY MR. EVANS:**

23 **Q. So, Darci, in your supervisory role, are you**  
24 **using the manual to help employees follow the rules?**

25 A. Uhm, I guess.

1 **Q. So, do manuals help maintain order?**

2 A. Yeah, I would say they do.

3 **Q. Okay. Do they -- do the manuals ever discuss**  
4 **safety?**

5 A. There is a -- there are several safety  
6 handbooks, yes.

7 **Q. Okay.**

8 A. The Postal Service has many of them.

9 **Q. Yeah. And, so, those safety handbooks, are**  
10 **you familiar with -- let me rephrase that. Scratch**  
11 **that.**

12 **You said there are several safety handbooks,**  
13 **can you describe what safety handbooks there are?**

14 A. Oh, I know the one that we use a lot is the  
15 Postal Employee's Guide to Safety. I can't remember the  
16 form number. There is a Pub 52, which is hazardous  
17 materials that our window clerks use. Uhm, I know there  
18 is others. I can't think of them off the top of my  
19 head.

20 **Q. Okay. Do you know why the post office**  
21 **publishes those?**

22 A. Uhm, I would say for guidelines, for  
23 references.

24 **Q. Are those manuals to be followed by postal**  
25 **employees?**

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1 A. Well, that's why they are out there.  
 2 **Q. They are out there for the postal employees to**  
 3 **follow.**  
 4 A. (Nods head affirmatively) To use, yeah.  
 5 **Q. Okay. Any other handbooks that -- that you**  
 6 **can recall, Darci?**  
 7 A. There are so many, I -- I don't know. That's  
 8 a pretty broad question, I guess.  
 9 **Q. Did you use handbooks in training other**  
 10 **employees?**  
 11 A. Yes, I have.  
 12 **Q. Okay. And why did you do that?**  
 13 A. Uhm, as a reference to, you know, have  
 14 material to talk about.  
 15 **Q. Material to talk about. Did you use it, as**  
 16 **far as, then, instructions for what employees should or**  
 17 **should not do?**  
 18 A. Sometimes.  
 19 **Q. At the post office, did you guys have**  
 20 **protocols at the Centennial Post Office?**  
 21 **MR. NEWMAN:** Objection; vague.  
 22 **THE WITNESS:** What do you mean by that?  
 23 **BY MR. EVANS:**  
 24 **Q. For example, if there were certain tasks that**  
 25 **had to be performed, that you would have a checklist**

1 **Q. Okay. So, every morning you would enter in a**  
 2 **volume into the carriers, as far as, like, the pieces of**  
 3 **mail?**  
 4 A. Right.  
 5 **Q. Okay. And, then, timekeeping, what's the**  
 6 **timekeeping?**  
 7 A. Just making sure they get paid correctly.  
 8 Punching into the right operations.  
 9 **Q. Okay. So, making sure employees properly**  
 10 **clocked in and clocked out, that type of thing?**  
 11 A. Yeah.  
 12 **Q. Like, from the day before?**  
 13 A. And that day, yeah. Weekly. It's a daily  
 14 task, yeah.  
 15 **Q. Okay. Would you have, for example, a morning**  
 16 **meeting with everyone in the morning?**  
 17 A. Uhm, well, sometimes with the carriers, when  
 18 they -- and the clerks before -- before we start  
 19 working, we have a quick, like, safety talk, and talk  
 20 about the conditions, stuff like that. It wasn't always  
 21 daily, but...  
 22 **Q. Okay. When would that take place?**  
 23 A. First thing in the morning.  
 24 **Q. And, so, first thing in the morning, for the**  
 25 **post office, what -- what time is that?**

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1 **(indicating) that you've got to do Steps A, B, C, D and**  
 2 **F? Would there be -- was there written protocols at the**  
 3 **post office at Centennial?**  
 4 A. I mean, not written protocols. We'd -- we  
 5 have a daily -- daily duties we do every day.  
 6 **Q. Okay. What -- what were the daily duties?**  
 7 A. Uhm, all of our reports in the morning that we  
 8 had to -- we had to do.  
 9 **Q. What else?**  
 10 A. Uhm, make sure that, you know, our carriers  
 11 are out, and cover any sick calls. Make sure the box  
 12 section is up on time. All of the mail is worked and  
 13 out that day.  
 14 **Q. Anything else?**  
 15 A. Oh, I'm sure there is. I mean, it's a daily  
 16 operation. It changes daily.  
 17 **Q. So, when you said "reports in the morning,"**  
 18 **what -- what reports are done in the morning?**  
 19 A. Uhm, entering our volumes into our -- for our  
 20 carriers. I mean, we have several reports that we put  
 21 into our district staff so that we -- they know how our  
 22 day looks. Uhm, timekeeping. That kind of stuff.  
 23 **Q. Any other reports in the morning?**  
 24 A. I don't know. Like I said, it changes daily,  
 25 so...

1 A. Well, whenever the carriers start. So, it  
 2 ranges -- I mean, I think, back then, it was 7:30. I  
 3 can't remember. 7:00, 7:30.  
 4 **Q. 7:00, 7:30?**  
 5 A. I don't remember when they started.  
 6 **Q. But to the best that you can recall, it was**  
 7 **some time between 7:00 and 7:30.**  
 8 A. Right.  
 9 **Q. The P.O. boxes at the Centennial office, are**  
 10 **they open 24/7, or what are the hours for those?**  
 11 A. Yeah, the lobby is open 24/7.  
 12 **Q. Okay. Is that pretty typical of all of the**  
 13 **post offices in Billings?**  
 14 A. Uhm, I believe so.  
 15 **Q. Were -- did -- in your daily tasks, were there**  
 16 **any type of manuals that either yourself or another area**  
 17 **employee used that had itemized lists that you followed?**  
 18 **Like, for example, just to give an example, if someone**  
 19 **were to open a store, you might have a little manual**  
 20 **that gives a brief description of the tasks, and here**  
 21 **are the ten tasks that have to be done to open up shop.**  
 22 **Was there anything like that that the**  
 23 **Centennial Post Office used?**  
 24 A. No.  
 25 **Q. Okay. What was a typical day for you?**



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1 A. Uhm, I would come in, count all the mail for  
2 my carriers, make sure that everybody was at work. You  
3 know, get all of my morning reports in and done. And,  
4 then, like, the rest of the day would be checking on my  
5 carriers, make sure the clerks were good, change,  
6 stamps. Just manager duties.

7 **Q. And when would you come in most mornings?**

8 A. I usually came in and opened, so 5:30, 6:00  
9 o'clock.

10 **Q. So, early.**

11 A. Yeah.

12 **Q. What time would you leave?**

13 A. 2:30, 3:00, 4:00. It just depended on when --  
14 what was going on that day.

15 **Q. Did you ever -- sorry, let me rephrase that.**

16 **Would you walk the premises as part of your**  
17 **daily routine?**

18 A. Like, what do you mean?

19 **Q. Well, walk around the building and -- and the**  
20 **parking lot area?**

21 A. Not daily, no.

22 **Q. How often would you do that?**

23 A. Not very often.

24 **Q. All right. Any reason for that?**

25 A. I would be outside, if I knew that there was

1 contractors that would take care of landscaping in  
2 the summer, and then the snow removal in the  
3 winter. And, then, but we have, like, a field  
4 maintenance that would take care of any issues at  
5 the building.

6 **BY MR. EVANS:**

7 **Q. Okay. Field maintenance would take care of**  
8 **the building?**

9 A. Any building issues, yeah.

10 **Q. Is there any type of facilities supervisor, or**  
11 **some type of facilities person there at the Centennial**  
12 **Post Office?**

13 A. No.

14 **Q. Okay. So, if there is some type of issue with**  
15 **the facility, or the premises, what is the procedures**  
16 **that people would take to notify someone to correct the**  
17 **situation?**

18 A. I'd have to put in a work order, a maintenance  
19 work order, to have -- to report any issues.

20 **Q. So, were there public bathrooms at the**  
21 **Centennial --**

22 A. No.

23 **Q. -- Post Office?**

24 A. No.

25 **Q. Okay. While you were at the Centennial Post**

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1 an issue with the building, you know, something is  
2 broken.

3 **Q. And I'll ask you a follow-up on that. But**  
4 **were you the first employee to arrive?**

5 A. No.

6 **Q. Okay. Who would be the first to arrive? And**  
7 **not necessarily a name, but a job title is sufficient.**

8 A. My clerks would come in at 3:00 a.m.

9 **Q. Okay. And what do they do?**

10 A. They would be sorting parcels, sorting mail.

11 **Q. Okay. Who is the last employee to leave?**

12 A. The window clerks that close up for the  
13 night.

14 **Q. What time do they leave?**

15 A. So, the window would close at 5:30, so they  
16 would probably be out of there by 6:00.

17 **Q. Okay. Who -- who's responsible for**  
18 **maintaining the premises there?**

19 A. Uhm --

20 **MR. NEWMAN:** Objection. Oop. One  
21 second, Darci.

22 Objection, that calls for a legal  
23 conclusion.

24 You can go ahead and answer.

25 **THE WITNESS:** So, I have -- we have

1 **Office, when you worked there, did the floors ever get**  
2 **wet?**

3 A. Yes.

4 **Q. Who would handle that?**

5 A. I had a custodian.

6 **Q. And what were his duties and tasks?**

7 A. Cleaning the building. Mopping, cleaning.  
8 Basically, he didn't do any, like, maintenance work. It  
9 was just cleaning.

10 **Q. And who was responsible for maintaining the**  
11 **sidewalk?**

12 A. The contractor.

13 **Q. And who would that be?**

14 A. Whoever they contract out of the facilities to  
15 clear snow and --

16 **Q. Now, what if it was not a snow issue? Who,**  
17 **then, was responsible for maintaining the sidewalk?**

18 A. Uhm, well, it would be -- if I had an issue  
19 with something wrong with the sidewalk or grounds, I  
20 would file a work order, a maintenance work order.

21 **Q. And you'd file a maintenance work order, and**  
22 **then where does that go off to?**

23 A. It goes to our maintenance department,  
24 district maintenance department, and then they assign it  
25 to a field maintenance employee to come and fix.

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1 **Q. Okay. While you were working at the**  
2 **Centennial office, did you ever file a maintenance work**  
3 **order on the sidewalk?**

4 A. Not that I recall.

5 **Q. Okay. Did you ever file any type of**  
6 **maintenance work order?**

7 A. I filed plenty of them.

8 **Q. Okay. Do you recall what was the usual**  
9 **turnaround between the time that you filed to the time**  
10 **that the project was completed?**

11 A. Well, it depended on the urgency of the  
12 project. If it was a safety issue, they got to it right  
13 away. If it was something that could be fixed later and  
14 it didn't pose any, you know, safety concerns, it was --  
15 you know, it was a low priority.

16 **Q. Okay. So when you say it would be fixed right**  
17 **away, is that same day?**

18 A. Sometimes, yes, same day, or at least by the  
19 next day.

20 **Q. By the next day.**

21 **So, that would be the urgent issues. And the**  
22 **non-urgent issues, how quickly would those be fixed?**

23 A. Maybe, within a week.

24 **Q. Okay.**

25 A. Depending on their workload.

1 **they handling issues that the post office has not**  
2 **contracted with other third parties to handle?**

3 A. Yeah, it means they handle the things that  
4 they could fix, I guess. If they couldn't fix it, they  
5 would have to contract it out.

6 **Q. What are some examples of things that they**  
7 **fixed or handled while you were there?**

8 A. Uhm, hmm... Like, uhm -- like, if a toilet  
9 broke down, you know, wasn't working, or backed up, or a  
10 sink issue, or something in the break room, they would  
11 come. I'm trying to think of the things that they would  
12 do. Like, light bulbs were out or needed to -- light  
13 bulb ballasts need to be replaced in the -- you know, in  
14 the work room floor. Uhm, stuff like that.

15 **Q. So, I mean, kind of, basic, unskilled labor**  
16 **tasks they -- they would perform.**

17 A. I guess, yeah.

18 **Q. Or low-level skills, in your experience,**  
19 **they'd come out and do those?**

20 A. Yes.

21 **Q. Okay. Parking lot. Who is responsible for**  
22 **maintaining the parking lot?**

23 A. Uhm, what do you mean --

24 **MR. NEWMAN:** Objection.

25 **THE WITNESS:** -- by that?

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1 **Q. So, are they based out of Billings, or where**  
2 **is this maintenance department?**

3 A. Yeah, they were based out of -- they were  
4 based out of Billings, the main post office.

5 **Q. Okay. Do you know how big that crew is?**

6 A. Uhm, no, I don't.

7 **Q. Okay. Multiple employees?**

8 A. They have multiple maintenance employees,  
9 yeah.

10 **Q. Okay. And, so, they are going to handle --**  
11 **they handle issues where the post office does not have a**  
12 **contractual obligation for a third party to handle**  
13 **something. Is -- are those the items that they**  
14 **handle?**

15 **MR. NEWMAN:** Objection.

16 **THE WITNESS:** Oh, they --

17 **MR. NEWMAN:** Oh, one sec, Darci. One  
18 sec. Sorry.

19 Objection, lacks foundation, and it calls  
20 for a legal conclusion.

21 But the answer -- you can answer.

22 **THE WITNESS:** Okay. So, can you repeat  
23 for me?

24 **BY MR. EVANS:**

25 **Q. Yeah. So, the maintenance department, are**

1 **MR. NEWMAN:** One sec.

2 Objection. Calls for a legal conclusion.

3 But go ahead, Darci.

4 **THE WITNESS:** I guess, can you explain  
5 what you mean --

6 **BY MR. EVANS:**

7 **Q. Sure.**

8 A. -- by that?

9 **Q. Was there a parking lot at the Centennial Post**  
10 **Office?**

11 A. Yes.

12 **Q. Okay. Who maintained that parking lot?**

13 A. I'm not sure what you mean by "maintained."  
14 Like, our maintenance department would paint lines, and  
15 make sure everything was painted and clear. Uhm, the  
16 contractors, you know, did the snow removal. But I'm  
17 not sure what else maintenance you are referring to.

18 **Q. Did any other group perform any other type of**  
19 **work on the parking lot?**

20 A. Uhm, no.

21 **Q. So, either the maintenance department or the**  
22 **contractors.**

23 A. Right.

24 **Q. Okay. Aside from the snow removal and**  
25 **painting lines, anyone else do any type of work on the**

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1 parking lot?

2 A. Uhm, our maintenance department filled a

3 couple of potholes by the collection boxes, small ones.

4 They came out and filled those.

5 Q. So, they had -- they had shovels, the

6 maintenance department?

7 A. Uh-huh. I guess. I don't -- I wasn't out

8 there watching them do it.

9 Q. Okay. At your post office there at

10 Centennial, what tools and equipment did they have?

11 A. Who do you mean by "they"?

12 Q. I guess, the Centennial Post Office.

13 A. Uhm --

14 Q. If you were going to do an inventory of tools

15 and equipment, aside from those for handling parcels,

16 what type of tools and equipment would you find there?

17 A. Uhm, in, like, the cleaning equipment? Mops,

18 brooms?

19 Q. Sure, mops. Mops, brooms, cleaning supplies.

20 A. Screwdrivers for the P.O. box, changing locks,

21 that kind of stuff.

22 Q. A shovel?

23 A. I don't know if we had a shovel, or not. I

24 don't know.

25 Q. Did you ever have any salt or ice removal

1 one.

2 Q. Okay. Where was that bucket placed?

3 A. It was, like, towards -- there is a little,

4 like, room outside of the building, like a storage area.

5 Right -- right off the building.

6 Q. A storage area right off the building?

7 A. A storage room. Yeah, outside the building.

8 Q. Okay. So, it wasn't at an entrance?

9 A. It was at an entrance, the back entrance.

10 Q. A back entrance. Who used the back

11 entrance?

12 A. All of the employees.

13 Q. Okay. So, you had the salt for the back

14 entrance for the employees?

15 A. The salt was for whatever -- whenever we

16 needed it. If we needed it.

17 Q. Okay. How often was it used?

18 A. Uhm, as needed. You know, if -- it was used

19 as needed. If there was, like, fresh snow, or

20 something, that came up later in the day, and the

21 contractor hadn't -- we would always salt the sidewalks.

22 You know, just for safety.

23 Q. Okay.

24 A. Until the contractor would get there.

25 Q. And when you say "we," who is "we"?

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1 there?

2 A. Yeah, we did.

3 Q. Okay. Did you have a bucket?

4 A. Yeah, I think so.

5 Q. Did have you a scoop?

6 A. There would be a scoop, yeah.

7 Q. Did you have a snow blower?

8 A. No.

9 Q. No?

10 Did I ask you if you had a broom?

11 A. Yes.

12 Q. Did you have a broom?

13 A. Yeah, the maintenance -- the custodian, yes.

14 Q. Yeah, the custodian? A squeegee?

15 A. Uhm, I don't think so. I don't recall.

16 Q. Okay. So, you had -- do you remember what

17 type of salt or ice removal product you had?

18 A. I don't remember what it was. It was, you

19 know, just ice melt in bags.

20 Q. Okay. Was it just one product?

21 A. Yeah.

22 Q. Okay. And what would you put it in?

23 A. Uhm, the bucket that we had to --

24 Q. Okay. How many buckets did you have?

25 A. I don't know. One. I only recall having

1 A. Me. My supervisor. Maybe, a clerk, if they

2 are not busy. If they weren't busy.

3 Q. And when you said when it was necessary, what

4 would you use to determine when it was necessary?

5 A. Like I said, if we would get, like, snow

6 during the day, and the contractor hadn't been there

7 yet, you know, just to keep the sidewalks clear.

8 Q. Was it just for the sidewalks?

9 A. Mainly, yes.

10 Q. Did you ever use it in the parking lot?

11 A. We would sometimes put it in front of the

12 collection boxes, because it got really, really icy

13 there, so that the cars wouldn't hit the collection

14 boxes.

15 Q. Okay.

16 A. But most of the time we didn't, because the

17 contractor took care of that.

18 Q. Anywhere else would you ever use it on the

19 parking lot?

20 A. Nope, just the sidewalks. Mainly, the

21 sidewalks. Entrances.

22 Q. Was there a checklist that you had for snow

23 and ice removal?

24 A. No.

25 Q. No? Any type of plan for snow and ice

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1 **removal?**  
 2 A. Nope.  
 3 **Q. How come you didn't have any type of plan or a**  
 4 **checklist for snow and ice removal?**  
 5 A. Because that was all handled through the  
 6 contract. I'm sure they had their own checklist, but it  
 7 never came to me.  
 8 **Q. Okay. So, what was your understanding that**  
 9 **the contractor was responsible for through the**  
 10 **contract?**  
 11 A. Uhm, clearing the parking lot and the  
 12 sidewalks.  
 13 **Q. So, when you say "clearing," does that mean**  
 14 **complete and total removal of all -- all snow and ice?**  
 15 A. Well, it's clearing it -- clearing it. I  
 16 don't know that you can always get it all up, but...  
 17 It's clearing the parking lot of snow.  
 18 **Q. And when did they -- what was your**  
 19 **understanding as far as the time frame in which they**  
 20 **were supposed to perform that?**  
 21 A. That, I don't know. Because I -- I never got  
 22 their schedule. That was all handled through  
 23 facilities, or wherever that comes out of, who does  
 24 contracts.  
 25 **Q. Okay. And --**

1 A. Uhm, because it was all handled through the  
 2 contractor. I'm sure they kept their own logs.  
 3 **Q. Did you ever ask them for logs?**  
 4 A. No.  
 5 **Q. Any reason why not to?**  
 6 A. Uhm, because I didn't need to. I wasn't  
 7 required to.  
 8 **Q. Okay. Let's talk about January 4th of 2019.**  
 9 **Do you remember that day at all?**  
 10 A. No.  
 11 **Q. No? I'm going to ask you some questions. I**  
 12 **understand that this is more than three years ago. All**  
 13 **I ask is that you answer it to the best of your ability,**  
 14 **to the best that you can do that. Fair enough? A fair**  
 15 **enough preface?**  
 16 A. Yes.  
 17 **Q. Okay. Do you remember when you started work**  
 18 **that day?**  
 19 A. No.  
 20 **Q. Any idea, as far as when you would have**  
 21 **started?**  
 22 A. I would assume I was there, probably, by 5:30,  
 23 like I normally was.  
 24 **Q. Okay. When -- and when you -- when you come**  
 25 **in, would you drive by the front parking lot?**

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1 A. I had no part of that.  
 2 **Q. In your experience, how would you describe the**  
 3 **timeliness of the ice and snow removal?**  
 4 A. Well, they were always on it. They always  
 5 took care of it.  
 6 **MR. NEWMAN:** Alex, would now be a decent  
 7 time to take a little break? We've been going  
 8 about an hour.  
 9 **MR. EVANS:** Yeah, that's fine.  
 10 **MR. NEWMAN:** Okay. Just come back in  
 11 five, or so?  
 12 **MR. EVANS:** Yeah, five is fine.  
 13 **MR. NEWMAN:** Okay. Thanks.  
 14 **MR. EVANS:** Okay.  
 15  
 16 (Recess taken.)  
 17  
 18 **BY MR. EVANS:**  
 19 **Q. Okay. Darci, going back to -- as far as**  
 20 **checklists, and that type of thing for snow and ice**  
 21 **removal, did you guys keep any logs, as far as when snow**  
 22 **or ice was removed, or when salt was put down, that type**  
 23 **of thing?**  
 24 A. No.  
 25 **Q. Any reason for not keeping a record?**

1 A. No.  
 2 **Q. Okay. Did you ever examine the front parking**  
 3 **lot?**  
 4 A. I mean, I could -- I would look outside. Not  
 5 specifically examining it.  
 6 **Q. You would look outside, where would you look**  
 7 **outside from?**  
 8 A. Oh, there is windows in the office.  
 9 **Q. Okay. And you can see the front parking**  
 10 **lot?**  
 11 A. Partially.  
 12 **Q. Partially? If there was snow or ice on the**  
 13 **parking lot, would you be able to see it from inside?**  
 14 A. Yeah.  
 15 **Q. Okay. Do you remember on January 4th of 2019**  
 16 **who you were -- who you were working with that**  
 17 **morning?**  
 18 A. Uhm, not specifically, no.  
 19 **Q. Who would you normally have been working with?**  
 20 **Before -- let's say, between the time you got there and**  
 21 **8:00 a.m.?**  
 22 A. It would be my clerks, and, uhm, the letter  
 23 carriers.  
 24 **Q. And do all of those -- do all the employees**  
 25 **park in the back?**



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1 A. No. Some of them park on the street in the  
 2 front. Because we don't have a lot -- a whole lot of  
 3 parking, employee parking, in our parking lot.  
 4 **Q. Oh. And, so, some of them would -- that are**  
 5 **parking -- do you have any idea who would be parking on**  
 6 **the street?**  
 7 A. The letter carriers.  
 8 **Q. Okay. And they are there before 8:00 a.m.,**  
 9 **right?**  
 10 A. Well, like I said, I think they started at  
 11 either 7:00 or 7:30 back then. I can't remember  
 12 exactly.  
 13 **Q. 7:00 or 7:30. They are parking on the street.**  
 14 **And, then, to go inside of the post office, are they**  
 15 **walking through the parking lot?**  
 16 A. The back part of it, yes.  
 17 **Q. Okay. And would the clerks park on the**  
 18 **street, some of them?**  
 19 A. They usually would get the parking spots in  
 20 the parking lot, the employee parking, because they were  
 21 there so early.  
 22 **Q. Ah. So employee parking filled up?**  
 23 A. Yes. First come, first serve.  
 24 **Q. Early bird gets the parking spot in the**  
 25 **back?**

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1 A. Yes.  
 2 **Q. Okay. All right. On January 4th of 2019, you**  
 3 **were in your supervisory role?**  
 4 A. Yes.  
 5 **Q. Any job duties, specifically that day,**  
 6 **different from what you've described as your typical,**  
 7 **normal day, that you remember?**  
 8 A. I wouldn't think so. I mean, I don't remember  
 9 that day, but...  
 10 **Q. Okay. And I was just going to follow up and**  
 11 **ask, do you remember what you did that day?**  
 12 A. Probably, the same as I do every day. Or I  
 13 did every day.  
 14 **Q. Do you remember completing any type of safety**  
 15 **log that day?**  
 16 A. I don't remember.  
 17 **Q. Do you remember if anyone blew snow off,**  
 18 **either a sidewalk or a parking lot, that day?**  
 19 A. I don't remember.  
 20 **Q. Do you remember if anyone, either an employee**  
 21 **or a contractor, removed snow or ice from the parking**  
 22 **lot or from the sidewalks that day?**  
 23 A. I don't remember that specific day, no.  
 24 **Q. Okay. Do you remember what the weather was**  
 25 **like that day?**

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1 A. No.  
 2 **Q. Do you remember what the weather had been like**  
 3 **for the days prior to that day?**  
 4 A. I believe we had, you know, snow, if I  
 5 remember.  
 6 **Q. Okay. Snow, when?**  
 7 A. I don't know. I mean, that's three years ago,  
 8 I don't know.  
 9 **Q. Okay. Yeah, I understand that it's -- it's --**  
 10 **it's been awhile. I fully understand that.**  
 11 **So, what I am going to try to do now, Darci,**  
 12 **and you are going to see my technological abilities and**  
 13 **skills here, is have some exhibits pop up on my screen,**  
 14 **on this other screen here, and ask you some questions.**  
 15 **So, let's see if both Zoom and my computer**  
 16 **will cooperate here. It's -- it's not letting me share.**  
 17 **Let's see here.**  
 18  
 19 **(Discussion off the record.)**  
 20  
 21 **BY MR. EVANS:**  
 22 **Q. Okay. Darci, can you see that?**  
 23 A. I can.  
 24 **Q. Okay. Have you seen this before?**  
 25 A. Uhm, I think so. I can't see the whole page,

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1 but...  
 2 **Q. Okay. Well, let me try to -- so, this is what**  
 3 **the United States has filed, it's called the "Initial**  
 4 **Disclosure Statement." And I want to direct your**  
 5 **attention to Number 1 here on Exhibit -- Exhibit 1-2.**  
 6 **Name and address of people that have**  
 7 **discoverable information and witnesses. So, the only**  
 8 **ones that the United States listed were Ms. Bagley.**  
 9 **Mr. Ponce and Berglund were both witnesses. And then**  
 10 **Eric Aston.**  
 11 **Do you know anyone else who has any additional**  
 12 **information, as far as to either Ms. Bagley's events, or**  
 13 **the parking lot, or the maintenance, or anything else**  
 14 **related to that going back to January 4th of 2019?**  
 15 A. Not that I'm aware of.  
 16 **Q. Okay. So, no one else has any other**  
 17 **information, that you're aware of?**  
 18 A. No.  
 19 **Q. Okay. All right. We are -- I'm going to ask**  
 20 **you a series of questions on these various exhibits.**  
 21 **So, you know, if you have questions, or anything, let me**  
 22 **know here, and, hopefully, we can get through some of**  
 23 **these exhibits here. As I try to navigate technology.**  
 24 **So, okay. I'm going to share with you what's,**  
 25 **then -- let's see here -- labeled as Exhibit 2.**



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1 Are you able to see that?  
 2 A. Yes, I do.  
 3 Q. Okay. And do you know what this is?  
 4 A. Uhm, the Accident Investigation Worksheet.  
 5 Q. Okay. Did you know who filled it out?  
 6 A. No.  
 7 Q. I think it says here a Mr. Eric Aston, Safety  
 8 Specialist, here on -- its Pages 2-3.  
 9 Do you see that?  
 10 A. Yes.  
 11 Q. Do you have any idea who that is?  
 12 A. I know he was a safety specialist for the  
 13 Dakotas District. I don't know him personally.  
 14 Q. Have you ever spoken to him about this  
 15 incident before?  
 16 A. No.  
 17 Q. No? Okay. Have you seen this document  
 18 before? Have you reviewed it before?  
 19 A. No.  
 20 Q. Okay. I'm going to ask you a few questions  
 21 about this -- the information in the document. If you  
 22 need to see something on it, let me know. Okay?  
 23 A. Uh-huh.  
 24 Q. Okay. Here on -- on No. 26, it says,  
 25 "Customer claims as she was exiting vehicle she stepped

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1 out onto the icy pavement. She then slipped striking  
 2 her head on the vehicle and then fell to the ground."  
 3 Do you have any information to dispute that  
 4 statement?  
 5 A. No.  
 6 Q. Okay. As far as your own recollection and  
 7 knowledge, as far as what you were aware of, is that an  
 8 accurate statement?  
 9 A. I knew nothing about it.  
 10 Q. Okay. Do you recall, then, the pavement being  
 11 icy on January 4th, 2019?  
 12 A. I don't recall. No, I don't recall that  
 13 day.  
 14 Q. Okay. Do you recall the condition of the  
 15 parking lot at all that day?  
 16 A. No.  
 17 Q. No.  
 18 So you couldn't say whether it was icy, or  
 19 whether it was not icy. You have no recollection.  
 20 A. I don't have any recollection of that specific  
 21 day, no.  
 22 Q. Okay. So, here, on Exhibit 2-5, Line 17, do  
 23 you see that?  
 24 A. I do.  
 25 Q. Okay. It lists as "Potential hazardous or

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1 unsafe condition," "Slippery or uneven surface."  
 2 Do you have any recollection if the parking  
 3 lot was slippery on January 4th, 2019?  
 4 A. I do not.  
 5 Q. Okay. Now, then, here on Exhibit 2-6,  
 6 "Surface Condition:," Item Number 40.  
 7 Can you see that?  
 8 A. Yes.  
 9 Q. Okay. "Surface Condition:." Listed as "Icy."  
 10 Do you agree or disagree with that statement,  
 11 or are you able to make any type of assessment?  
 12 A. I can't make an assessment. I don't remember  
 13 that day, specifically.  
 14 Q. Okay. Did anyone give this form to you, or  
 15 ever send it to you?  
 16 A. No.  
 17 Q. When accidents happened at the Centennial  
 18 sidewalk, who -- who would normally complete this  
 19 form?  
 20 A. I would.  
 21 MR. NEWMAN: Objection -- oop, one  
 22 second.  
 23 Objection; vague. You said the  
 24 "Centennial sidewalk"?  
 25 BY MR. EVANS:

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1 Q. Sorry, the Centennial facility?  
 2 MR. NEWMAN: Go ahead, Darci, you can  
 3 answer that.  
 4 THE WITNESS: Yeah, I normally would, or  
 5 my supervisor would.  
 6 BY MR. EVANS:  
 7 Q. Okay. Do you know why this wasn't given to  
 8 you, or you didn't fill it out?  
 9 A. Because it wasn't reported to me.  
 10 Q. And, as far as you know, who was it reported  
 11 to?  
 12 A. I have no idea.  
 13 Q. Okay. And no one ever mentioned this -- did  
 14 anyone ever mention the January 4th, 2019, incident to  
 15 you?  
 16 A. No. I had no clue that anybody fell in the  
 17 parking lot.  
 18 Q. Okay.  
 19 A. Because nobody reported anything to me.  
 20 Q. When was the first time that you found out?  
 21 A. Uhm, when this lawsuit came up, I guess.  
 22 Q. Okay. So, but prior to that Ms. Bagley had  
 23 filed a Federal Tort Claim, no one contacted you or  
 24 asked you about (shakes head negatively) any of the  
 25 events prior to the actual lawsuit being filed?

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**MR. NEWMAN:** And before you answer, Darci, one second. I'll object to the extent that the question calls for a disclosure of attorney/client privileged communication.

So, Darci, if there are any conversations that you had with agency counsel, please refrain. Go ahead, otherwise.

**THE WITNESS:** So, repeat the question.

**BY MR. EVANS:**

**Q.** So, prior to this complaint actually being filed, a claim was made under the Federal Tort Claims Act. So, it's not a lawsuit. Do you know the difference between a lawsuit and the Federal Tort Claims Act?

A. Uhm, no.

**Q.** Okay. So, a lawsuit is when a claim has been brought in United States District Court. I think, for layman's terms, you know, suing someone. That's kind of the phraseology. So, the claim is, then, when it's brought through the Federal Tort Claims Act, and then there is an adjudication.

So, did -- prior to the filing of the lawsuit, which was, I think, in December of 2021, were you ever contacted about this incident?

**MR. NEWMAN:** Same objection as before

information in these reports?

A. Yes.

**Q.** Okay. I'm going to go ahead and get another exhibit here ready. Darci, can you see this exhibit that's been labeled as Exhibit 3?

A. I can see it, yes.

**Q.** Okay. Are you familiar with this?

A. Uhm, somewhat, I guess. Is that our lease?

**Q.** Yeah. It's the lease. And I want to confirm a couple things. So, that's the -- there up at the top on Exhibit 3-1, Billings Centennial Station, 2250 Grant Road, Billings.

A. Yes.

**Q.** And that's where you were employed?

A. Yes.

**Q.** Okay. Prior to today, have you seen this document before?

A. I have seen it, yes.

**Q.** Okay. So, in your role, would you be familiar with these types of documents, with official documents there for the facility?

A. Uhm, I think they just would send that to me to file. It was, like, a copy. But I didn't --

**Q.** Okay.

A. -- I didn't get the -- I mean, this is, like,

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with respect to attorney/client communications.

Go ahead, Darci, otherwise.

**THE WITNESS:** Uhm, the only thing I remember is that the safety office in Sioux Falls reached out to me if I had any paperwork or -- or, you know, if I had filed an accident claim on it. Which I had not. That's the only thing that I remember.

**BY MR. EVANS:**

**Q.** Okay. Do you remember when -- when they called, or --

A. No.

**Q.** Okay. So, you've filled out a similar report before, correct?

A. Yes, I have.

**Q.** Okay. And why are these reports completed?

A. For -- anytime an accident happens, it's the paperwork that we are required to do.

**Q.** Okay. And do you know why that is?

A. I don't. I'm sure to keep record of them. I don't know.

**Q.** Is the information, when you've filled these out, are you completing it accurately?

A. Yes.

**Q.** Okay. So, is it important to have accurate

the only thing that I remember getting.

**Q.** And, so, in your role, would you view contracts?

A. No.

**Q.** No?

A. No.

**Q.** You never viewed contracts?

A. Reviewed them?

**Q.** Yeah, reviewed them?

A. I mean, they would just send me copies of it after it was already done.

**Q.** Okay. I want to bring your attention here -- well, so, actually, let me go back. Uhm, this is a lease agreement between the post office and the owners of the property; is that correct?

A. Right.

**Q.** And, so, the facility that you worked at, the post office didn't actually own the facility; is that correct?

A. Correct.

**Q.** Okay. What did you understand your duties were as a tenant, as far as the building and that sort of thing?

A. I'm not sure what you mean.

**Q.** What types of things were you responsible for

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1 as the tenant?  
 2 A. Uhm, I was responsible for my employees.  
 3 Q. Okay.  
 4 A. You know, maintenance handled maintenance  
 5 issues. Other contractors handled other contracts.  
 6 Q. Did the landlords -- did you know who the  
 7 landlords were?  
 8 A. No.  
 9 Q. Did they ever visit the property?  
 10 A. Not that I'm aware of.  
 11 Q. Did they ever have third parties on their  
 12 behalf ever visit the property?  
 13 A. Not that I'm aware of.  
 14 Q. Okay. So, for all intents and purposes, they  
 15 were not involved with the day-to-day operations of the  
 16 facility.  
 17 A. No.  
 18 Q. Okay. And this lease has various terms and  
 19 agreements, as far as the duties of the respective  
 20 parties?  
 21 MR. NEWMAN: Hold on one second, Darci.  
 22 I object to that, as it calls for a legal  
 23 conclusion.  
 24 MR. EVANS: Can she go ahead and answer?  
 25 MR. NEWMAN: Yeah.

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1 THE WITNESS: What was the question?  
 2 BY MR. EVANS:  
 3 Q. I said, would you agree that this lease  
 4 contains, you know, the terms that the respective  
 5 parties have agreed to?  
 6 A. That's what it looks like.  
 7 Q. Okay.  
 8 A. I didn't read it.  
 9 Q. I want to direct your attention here to --  
 10 this is going to be Exhibit 3-13. And if you could read  
 11 there Paragraph 8 for me?  
 12 A. "The Postal Service agrees to furnish and pay  
 13 for the timely removal of snow and ice from the  
 14 sidewalks, driveway, parking and maneuvering areas, and  
 15 any other areas providing access to the postal facility  
 16 for use by postal employees, contractors, or the public,  
 17 (including, but not limited to, stairs, handicapped  
 18 access ramps, carriers ramps, etc.) during the  
 19 continuance of the lease. The landlord is responsible  
 20 for the timely removal of snow and ice from the roof."  
 21 Q. Okay. So, while you were working there, were  
 22 you ever aware of any amendment or addendum to that  
 23 provision?  
 24 A. No.  
 25 Q. Did the landlord ever remove snow and ice from

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1 the roof?  
 2 A. Not that I'm aware of.  
 3 Q. Okay. Was -- did that post office have a flat  
 4 roof, or was it sloped?  
 5 A. Uhm, it -- I think it was sloped. The garage  
 6 area might be flat. I can't remember. But I think the  
 7 main building was sloped.  
 8 Q. Okay. Under the contract it says, "The Postal  
 9 Service agrees to furnish and pay for the timely removal  
 10 of the snow and ice from sidewalks, driveway, parking  
 11 and maneuvering areas." Would you understand to have  
 12 that include the parking lot?  
 13 A. Well, it says "parking and maneuvering areas."  
 14 Q. So, would you understand that to be the  
 15 parking lot?  
 16 A. Yes.  
 17 Q. Okay.  
 18 A. Yes.  
 19 Q. And it says, "timely removal." What does  
 20 "timely removal" mean to you?  
 21 A. They remove it after it snows.  
 22 Q. Okay. So, 24, 48 hours?  
 23 A. I -- I guess. I --  
 24 Q. Sooner than that?  
 25 A. I don't know. I don't know what their --

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1 their purviews were for removing snow.  
 2 Q. Okay. Well, I guess, I mean, you're the one  
 3 in charge of the facility there, right? So, --  
 4 A. Uh-huh.  
 5 Q. -- in your words, what was timely?  
 6 A. I -- I don't know. They just came and did it.  
 7 So, I never seemed to have an issue with it.  
 8 Q. Who is "they"?  
 9 A. The -- whoever the contractors were that  
 10 were --  
 11 Q. Okay.  
 12 A. -- contracted to remove snow.  
 13 Q. Okay. But you would agree, the post office  
 14 was the one who agreed to furnish or pay for the timely  
 15 removal of snow and ice, correct?  
 16 A. Well, they were the ones who contracted the  
 17 people to do it. I mean, the Postal Service. If that's  
 18 what you mean. I don't --  
 19 Q. Well, I would agree -- well, I'm asking if  
 20 you agree that in this contract, the Postal Service  
 21 agreed to either furnish or pay for the timely removal  
 22 of snow and ice?  
 23 MR. NEWMAN: I'm going to object to that  
 24 question. That mischaracterizes the exhibit.  
 25 But you can answer based on the exhibit,

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1 Darci.

2 **THE WITNESS:** Well, yeah. It says that,  
3 "The Postal Service agrees to furnish and pay for  
4 the timely removal of snow."

5 **BY MR. EVANS:**

6 **Q. Okay. All right. Thank you.**

7 We will go ahead and take a look at another  
8 exhibit here. This one I'm going to have to zoom in.  
9 Oh, that does not -- let's see here.

10 Are you able to see that?

11 A. Partially, yeah.

12 **Q. Partially. Yeah, it's not -- it's not being**  
13 **very cooperative.**

14 **Okay. All right. Can you see Exhibit 4?**

15 A. Yes.

16 **Q. Okay. Are you familiar with this?**

17 A. No.

18 **Q. Okay. If I were to represent to you that it**  
19 **is the snow removal contract between the Dakota Region**  
20 **and, then, the contractor -- let me see if I can -- does**  
21 **that help you?**

22 A. Yeah.

23 **Q. Do you want me to Zoom in, Darci? Is that**  
24 **going to help?**

25 A. No, that's fine. I can see it, yeah.

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1 **Q. Okay. So, the supplier listed there on**  
2 **Exhibit 4-1 as "JONES LANG LASALLE AMERICAS." Is that**  
3 **who you understood the contractor to be?**

4 A. Uh --

5 **MR. NEWMAN:** Objection. She -- lacks  
6 foundation.

7 If you know.

8 **MR. EVANS:** Okay. Can she answer the  
9 question?

10 **MR. NEWMAN:** Yeah, I said she can answer,  
11 if she knows.

12 **BY MR. EVANS:**

13 **Q. Okay.**

14 A. So, if that was the contractor?

15 **Q. Uh-huh.**

16 A. Is that what you asked?

17 **Q. Right.**

18 A. Yeah, I don't know that that was the  
19 contractor. I don't know.

20 **Q. Okay. Did you ever receive invoices from the**  
21 **contractor?**

22 A. Uhm, I would get e-mails from this Command7  
23 when -- when the -- like, when the work had been done.  
24 It was just letting me know that the work had been done.  
25 But I wouldn't get invoices. I don't recall getting

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1 invoices. Just e-mails.

2 **Q. Just e-mails. Okay.**

3 **All right. And the Centennial office, does it**  
4 **fall inside of the Dakotas District?**

5 A. It used to. It doesn't anymore.

6 **Q. It doesn't anymore?**

7 A. It did back then.

8 **Q. 2019? So --**

9 A. It wasn't (audio disruption).

10 **Q. In here, it says, as far as the schedule of**  
11 **supplies and suppliers, "SNOW REMOVAL SERVICES FOR USPS**  
12 **FACILITIES IN DAKOTAS DISTRICT IN THE WESTERN AREA."**

13 **Do you have any reason to disagree, then, you**  
14 **know, that this was the contract that would have been**  
15 **applicable to the Centennial office?**

16 A. I don't have a reason to disagree with it,  
17 no.

18 **Q. Okay. So, I want you to take a look here.**  
19 **Are you familiar at all with this contract?**

20 A. No.

21 **Q. No?**

22 A. No.

23 **Q. And we've asked some questions -- I had asked**  
24 **you some questions earlier, you know, as far as what you**  
25 **understood that they had an obligation to do. So, did**

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1 **you ever have a conversation with the contractor, or**  
2 **with someone from the Postal Service, as far as what**  
3 **they had an obligation to do?**

4 **MR. NEWMAN:** Objection; vague.

5 **BY MR. EVANS:**

6 **Q. What the scope of their work was?**

7 A. No.

8 **MR. NEWMAN:** Same objection.

9 **BY MR. EVANS:**

10 **Q. So, you never contacted anyone from the**  
11 **contractor to discuss what they were supposed to do.**

12 A. No.

13 **Q. Then how did you know what they were supposed**  
14 **to or not supposed to do?**

15 A. I didn't. They -- that was between them and  
16 whoever made the contract. I had nothing to do with  
17 it.

18 **Q. But didn't their work apply to your**  
19 **facility?**

20 A. It did, yeah.

21 **Q. So, shouldn't you have known what their**  
22 **obligations were to do or not to do?**

23 A. Uh, no. I didn't have any reason to be  
24 involved in the contract. And I didn't have any issues  
25 with their work, so -- I have never talked to them.



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1 Q. Okay. What was your understanding of when  
2 they were supposed to come and remove snow from the  
3 parking lot?

4 A. I don't know. Uhm, I know that there is,  
5 like, triggers of how many inches, but I don't know what  
6 the contract said.

7 Q. Okay.

8 A. So, I don't know that.

9 Q. We are looking at Page, let's see here,  
10 Exhibit 4-9. Section A.1.1.5.1. Could you read that  
11 for me?

12 A. Which one? 1.1.5.1.?

13 Q. Yeah.

14 A. "If the accumulation of snow exceeds two (2)  
15 inches, the Contactor (sic) shall commence the snow  
16 removal operation without further notification, in  
17 accordance with the SOW."

18 Q. Okay. Darci, any -- any complicated words in  
19 that paragraph that you don't understand?

20 A. Uhm, well, I am not sure what the "SOW" is.

21 Q. It's --

22 A. What that means.

23 Q. I think it was standard operation, something.  
24 But, aside from that, anything else there that you don't  
25 understand?

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1 A. No.

2 Q. Okay. So, under this section, when was it  
3 that the contractor was supposed to come out and remove  
4 snow?

5 A. It looks like at two inches, or more.

6 Q. Two inches, or more. So, if it was less than  
7 two inches, who was removing the snow?

8 A. Probably, nobody.

9 Q. So, the post office would just leave the snow  
10 in the -- in the parking lot?

11 A. Yeah. The custodian would go out and shovel  
12 the walkways, and, probably, put some ice melt down, if  
13 there was a little bit of snow. But, as for the parking  
14 lot, no. That was all done by a contractor.

15 Q. So --

16 A. We don't have the equipment to clear snow.

17 Q. Less than two inches, then it fell to the  
18 custodian?

19 A. Just the sidewalks.

20 MR. NEWMAN: Objection, mis- (audio  
21 distortion).

22 BY MR. EVANS:

23 Q. What about the parking lot?

24 A. That was all done by the contractor.

25 Q. Right. But the contractor is not coming out

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1 unless it's over two inches, right?

2 A. Right. That's what it says, yeah.

3 Q. So, less than two inches, and who is doing it?  
4 Because the contractor is not.

5 A. Nobody would be. We don't have equipment to  
6 clear parking lots at Centennial.

7 Q. Okay. So, it just -- it didn't get done?

8 A. I would -- I would assume.

9 Q. Were there ever -- were there times where  
10 there was less than two inches of snow in the parking  
11 lot and no one did anything about it?

12 A. I don't recall.

13 Q. Okay. Do you recall a time in March of 2019  
14 that there was an accumulation of snow in the parking  
15 lot?

16 A. I don't recall.

17 Q. Okay. All right. Let's take a look here. We  
18 are going to move down to Exhibit 4-11.

19 Can you read me the title of A.1.3?

20 A. "CUSTOMER CALL CENTER."

21 Q. Okay. Did you know that the contractor had a  
22 24-hour service customer -- customer service number for  
23 the facility?

24 A. I don't remember that, no.

25 Q. Did you know about it?

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1 A. I don't think so.

2 Q. Did you ever call it?

3 A. I don't recall.

4 Q. Did you ever call them?

5 A. I don't think I did.

6 Q. Did you know that you could call them?

7 A. Uhm, no, I don't recall. I don't -- I don't  
8 remember.

9 Q. Okay. So, can you read the paragraph there  
10 that starts with, "The contractor shall"?

11 A. "The contactor (sic) shall establish a 24-hour  
12 customer call center to receive and respond to service  
13 requests and inquiries from the facilities under the  
14 contract. The contactor (sic) shall have a 24-hour  
15 customer service number for the facilities to call for  
16 service. The contactor (sic) shall respond to the  
17 service calls within two (2) hours of receiving the call  
18 if the complaint is that service has not been provided  
19 when the snow triggers exist: 2" of snow on the ground  
20 in the parking lot, 1" of snow on the sidewalks, and/or  
21 ice is present. If no response within 2 hours, the call  
22 is to be escalated to the Contracting Officer."

23 Q. Okay. So, if snow or ice is present and you  
24 call, what does the contract say that they will do?

25 A. Will respond to the service calls within two



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1 hours.

2 **Q. Within two hours. And prior to today, you**

3 **didn't know that this was an option or available (shakes**

4 **head negatively)?**

5 A. No.

6 **Q. Okay. So, suffice it to say you've never**

7 **called or used it.**

8 A. I don't recall, no.

9 **Q. We are now on Exhibit 4-12. Can you read**

10 **Section A.1.8.3?**

11 A. "The contactor (sic) shall designate two Key

12 Personnel to be available to communicate with the USPS

13 by telephone and e-mail twenty-four (24) hours a day,

14 seven (7) days a week over the period of performance on

15 the contract."

16 **Q. Okay. Do you know who those two key personnel**

17 **are?**

18 A. I don't.

19 **Q. Okay. Has anyone at the Postal Service ever**

20 **discussed this contract with you, or let you know that**

21 **there are two key personnel at your disposal to contact**

22 **any time, 24/7, whenever you need them?**

23 A. No.

24 **Q. Do you think it's important?**

25 A. I guess, if I had an issue, I would be looking

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1 for someone to call.

2 **Q. And -- but we don't know who those people are.**

3 A. No. Yes.

4 **Q. All right. So, just, kind of, in reviewing,**

5 **again, taking a look here, we are on Exhibit 4-13,**

6 **A.1.1.5.1, under the contract, what does it require for**

7 **them to perform parking lot snow removal?**

8 A. Two inches.

9 **Q. Two inches. And if it was less than two**

10 **inches, who was removing the snow in the USPS parking**

11 **lot at the Centennial?**

12 A. There wouldn't be anyone.

13 **Q. No one. Okay.**

14 **Anything on this contract, that you're aware**

15 **of, or that about the contractor had a duty to warn of**

16 **the snow and ice to customers?**

17 **MR. NEWMAN: Objection. Calls for a**

18 **legal conclusion.**

19 **Answer that question, if you know the**

20 **answer.**

21 **THE WITNESS: Could you say that again?**

22 I --

23 **BY MR. EVANS:**

24 **Q. Yeah. Anything under the contract where --**

25 **that you're aware of that the contractor agreed to warn**

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1 **people of snow and ice?**

2 A. I don't know.

3 **Q. When the contractors were out there, did they**

4 **ever set up cones, or hazard flags, or anything of that**

5 **nature?**

6 A. I don't know. I don't recall --

7 **Q. Did you ever see them do it?**

8 A. No.

9 **Q. Okay. How many times had you seen the**

10 **contractors out there in the nine years that you worked**

11 **at the Centennial facility?**

12 A. Uhm, I really couldn't say. A lot of times

13 they came early. You know, to clear it before all --

14 there were cars in the lot.

15 **Q. Did you ever see them put out warning signs or**

16 **hazard signs?**

17 A. Not that I recall.

18 **Q. So, as far as you know, that was not part of**

19 **their job description, or job duties.**

20 A. Yeah, I wouldn't know what was their job

21 description.

22 **Q. But -- but that-- suffice it to say, that**

23 **wasn't -- that wasn't a part of it?**

24 A. I don't know.

25 **Q. Okay. All right. We are going to go through**

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1 **another exhibit here.**

2 **Okay. Can you see this?**

3 A. Yes.

4 **Q. Okay. This has been labeled Exhibit 5-1. And**

5 **it has what's been described, then, as the "Supervisor's**

6 **Safety Handbook."**

7 **Are you familiar with this, or have you seen**

8 **it before?**

9 A. Yes.

10 **Q. Have you seen it before?**

11 A. Yes.

12 **Q. Are you familiar with it?**

13 A. Uhm, yes.

14 **Q. Yes? Okay.**

15 **You've reviewed it?**

16 A. Like, not all of it, but, yes, I mean, I've

17 seen it.

18 **Q. You've studied it?**

19 **MR. NEWMAN: And, Alex, one second. I'll**

20 **object to a lack of foundation, to the extent that**

21 **we've only seen two pages of this. I don't know**

22 **that Darci can say that she has reviewed this.**

23 **MR. EVANS: Okay.**

24 **MR. NEWMAN: And was this document**

25 **produced in discovery?**

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1 MR. EVANS: Uhm --

2 MR. NEWMAN: I don't see a Bates number  
3 anywhere on that.

4 MR. EVANS: It's online.

5 MR. NEWMAN: Where online?

6 MR. EVANS: "Online availability. This  
7 handbook is available on the Postal Service  
8 PolicyNet Web site: <http://blue.usps.gov/cpim>."

9 MR. NEWMAN: That's where you got this  
10 document?

11 MR. EVANS: Uh, that's where my associate  
12 got it, yep.

13 MR. NEWMAN: You're sure of that? That's  
14 not an internal Postal Service website there?

15 MR. EVANS: Pretty sure.

16 MR. NEWMAN: "PolicyNet"?

17 MR. EVANS: Can I continue on?

18 MR. NEWMAN: Uh, sure. I'll just  
19 continue to object to the fact that this hasn't  
20 been produced in discovery. The effective date is  
21 May of 2020, which is after the accident at issue  
22 in this case. So, I'll object on those bases, but  
23 you can ask your question.

24 MR. EVANS: Okay.

25 BY MR. EVANS:

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1 Q. Darci, have you seen this, or are you familiar  
2 with it? I'll kind of scroll through the pages here.  
3 So, this is the contents. And I just pulled some  
4 excerpts.

5 Okay. Have you had a chance, then -- I've got  
6 nine pages on this exhibit, have you had a chance to  
7 review it?

8 A. I have reviewed parts of the handbook, yes.

9 Q. Okay. Does it look familiar?

10 A. Some of it does, yes.

11 Q. Okay. I'm going to go ahead and ask you  
12 questions here.

13 Okay. So, it says -- well, first, Darci,  
14 you're a supervisor, correct?

15 A. Yes.

16 Q. And you were a supervisor back on January 4th,  
17 2019.

18 A. Yes.

19 Q. Okay. Can you read the statement, "As a  
20 Postal Service supervisor"?

21 A. Read what statement?

22 Q. There here on Page 5-5, "As a Postal Service  
23 supervisor."

24 A. "You are the backbone of our safety and health  
25 program"?

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1 Q. Yep. Yeah, can you read that?

2 A. "You are in a highly visible leadership  
3 position that requires setting the standard for accident  
4 prevention. You are responsible for implementing  
5 written programs and action plans, monitoring employees'  
6 safety performance, and preventing operational safety  
7 errors. To properly exercise your responsibility, you  
8 must know Postal Service safety rules and regulations  
9 and the rights and responsibilities of the employees you  
10 supervise."

11 Q. Okay. Have you read that before?

12 A. Uhm, I suppose I have. I don't remember.

13 Q. Do you disagree with anything in that  
14 statement?

15 A. No.

16 Q. Okay. Next paragraph. Can you read Paragraph  
17 A?

18 A. "Any injury can be prevented. The goal is  
19 realistic, not just theoretical. Supervisors or  
20 managers having primary responsibility for the  
21 well-being of employees must fully accept this  
22 principle."

23 Q. Do you disagree with anything in that  
24 statement?

25 A. No.

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1 Q. Okay. First sentence in Paragraph B, can you  
2 read that?

3 A. "Management, including all levels through the  
4 initial-level supervisor, is responsible and accountable  
5 for the prevention of accidents and control of resultant  
6 losses."

7 Q. Do you disagree with that statement?

8 A. No.

9 Q. Paragraph C. Can you read that first  
10 sentence?

11 A. "It is possible to safeguard all operating  
12 exposures that can result in accidents and injuries, but  
13 it is better to eliminate the sources of danger."

14 Q. Okay. Do you disagree with that statement?

15 A. No.

16 Q. Okay. Uhm, have you seen this before? I've  
17 seen this in multiple documents, "Seven Keys To Good  
18 Safety Supervision"?

19 A. Yes.

20 Q. That seems to be something that's repeated in  
21 multiple documents.

22 A. Yes.

23 Q. Is this the first time that you've seen it?

24 A. No. (Shakes head negatively)

25 Q. How many times do you think you've seen this

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1 or a similar document?  
 2 A. Many.  
 3 **Q. Okay. Are you familiar with the seven keys?**  
 4 A. Yes.  
 5 **Q. Okay. Are those keys discretionary, or**  
 6 **mandatory?**  
 7 A. All depends on --  
 8 **MR. NEWMAN:** Objection. Or, oop.  
 9 Objection. Calls for a legal conclusion.  
 10 **THE WITNESS:** Sorry.  
 11 **MR. NEWMAN:** You can answer, Darci.  
 12 **THE WITNESS:** Uhm, I guess it depends on  
 13 who your manager is.  
 14 **BY MR. EVANS:**  
 15 **Q. Can you explain further, Darci?**  
 16 A. Well, some managers that I have really, like,  
 17 shoved this down our throat, for better words; some of  
 18 them didn't. So...  
 19 **Q. Okay. You, as a supervisor in 2019, was this**  
 20 **mandatory or discretionary for you?**  
 21 **MR. NEWMAN:** Same objection.  
 22 **THE WITNESS:** Yeah, I don't know how to  
 23 answer that.  
 24 **BY MR. EVANS:**  
 25 **Q. Okay. Did you follow the Seven Keys to Good**

1 where customers and other pedestrians may slip and fall,  
 2 and where vehicle maneuvering can be hazardous. Keep  
 3 snow and ice away from the utility and fire protection  
 4 equipment.  
 5 "Provide for reinspection and cleaning as  
 6 often as necessary to handle drifting snow and  
 7 refreezes. Encourage employees to help provide safe  
 8 walking and driving surfaces on Postal Service premises  
 9 by reporting icy and otherwise dangerous spots. Consult  
 10 your local Postal Service environmental coordinator for  
 11 guidance on the purchase and use of ice melting  
 12 products.  
 13 "Allow only trained and authorized employees  
 14 to use snowblowers, plows, and other snow-moving  
 15 equipment. Instruct them to keep hands and fingers away  
 16 from moving parts and ejector chutes."  
 17 **Q. Okay. At the Centennial office, was there a**  
 18 **snow and ice removal plan?**  
 19 A. Well, through the contractor.  
 20 **Q. Well, that's the contractor. Aside from the**  
 21 **contractor, did the Centennial office have a snow and**  
 22 **ice removal plan?**  
 23 A. Uhm, no. We just -- like I said, we would  
 24 maintain the sidewalks and the entrances, when needed.  
 25 **Q. But there was no plan.**

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1 **Safety Supervision?**  
 2 A. I feel like I did.  
 3 **Q. Do you follow them now?**  
 4 A. Yes.  
 5 **Q. Okay.**  
 6 A. To the best of my ability.  
 7 **Q. Let me take a look here. So, what -- what are**  
 8 **the Seven -- the Seven Keys to Good Safety Supervision,**  
 9 **what does that actually mean to you on a practical**  
 10 **basis?**  
 11 A. You know, just to be aware of your  
 12 surroundings and do what you can do (shrugs shoulders)  
 13 to keep a safe environment.  
 14 **Q. Okay. Anything else?**  
 15 A. No.  
 16 **Q. No?**  
 17 A. I mean --  
 18 **Q. Okay. We are now on Exhibit -- let's see**  
 19 **here. Get this -- let me see if I can pull the page**  
 20 **number up here. Sorry. So, 5-9. There is Paragraph**  
 21 **8-15.2.**  
 22 **Can you read that for me, those three**  
 23 **paragraphs?**  
 24 A. "You must establish snow and ice removal plans  
 25 where necessary. Pay particular attention to areas

1 A. Not, like, a written plan.  
 2 **Q. Okay. And it -- you would agree, every year**  
 3 **there is snow and ice in Billings, correct?**  
 4 A. Correct.  
 5 **Q. Okay. And you would agree, based upon that**  
 6 **contract that we previously discussed, a contractor is**  
 7 **not always going to come over when it snows, correct?**  
 8 A. Correct.  
 9 **Q. Okay. All right. The next paragraph, it**  
 10 **stated to, "Provide for reinspection and cleaning as**  
 11 **often as necessary to handle drifting snow and**  
 12 **refreezing."**  
 13 **What does that mean to you?**  
 14 A. Uhm, that somebody would need to be -- need to  
 15 clear the snow, if it drifted.  
 16 **Q. Who -- who did that at the Centennial**  
 17 **office?**  
 18 A. Whoever was contracted to remove snow and  
 19 ice.  
 20 **Q. And, here again, if they are not coming out,**  
 21 **who is doing it?**  
 22 A. Well, nobody would, because we don't have the  
 23 equipment there to do that.  
 24 **Q. You don't have a shovel?**  
 25 A. I don't know if we had a shovel. I don't

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1 know.  
 2 **Q. The -- didn't the central maintenance office**  
 3 **in Billings have a shovel?**  
 4 A. Probably.  
 5 **MR. NEWMAN:** Objection, lack of  
 6 foundation.  
 7 **BY MR. EVANS:**  
 8 **Q. We previously talked about the Billings**  
 9 **central maintenance office coming over and filling**  
 10 **potholes, correct?**  
 11 A. Yes.  
 12 **Q. And the presumption is that they probably have**  
 13 **shovels?**  
 14 A. Yes.  
 15 **Q. Do you know -- how much does a shovel cost?**  
 16 A. I don't know.  
 17 **Q. Have you ever purchased a shovel before?**  
 18 A. If I have, it's been awhile, so I wouldn't  
 19 know how much they cost right now.  
 20 **Q. Okay. And is there any snow blowers at the**  
 21 **Centennial?**  
 22 A. Not that I'm aware of.  
 23 **Q. Okay. Do you have -- this handbook, do you**  
 24 **have any reason or basis to disagree with Paragraph**  
 25 **8-15.2?**

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1 A. Do I have a reason to disagree with it?  
 2 **Q. Yeah, disagree with any of the statements**  
 3 **there?**  
 4 A. I don't have a reason to disagree.  
 5 **MR. NEWMAN:** Before you answer -- oop.  
 6 Before you answer, Darci, I'll renew my objection  
 7 earlier that this has not been produced, there is  
 8 no way to know that this was even the provision  
 9 that was in place at the time of the accident in  
 10 this case.  
 11 So, based on that objection, and the lack  
 12 of foundation, Darci, you can answer, though.  
 13 **THE WITNESS:** And the question was,  
 14 again?  
 15 **BY MR. EVANS:**  
 16 **Q. Do you have any reason to disagree with any of**  
 17 **the statements in Section 8-15.2?**  
 18 A. I don't have any reason to disagree with them,  
 19 no.  
 20 **Q. Okay. And you would agree that the Centennial**  
 21 **office did not have a snow and ice removal plan?**  
 22 A. Not a written plan.  
 23 **Q. Okay. And this handbook, this handbook is for**  
 24 **supervisors, correct?**  
 25 A. If that's what it said.

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1 **Q. Okay.**  
 2 A. "Supervisor's Handbook."  
 3 **Q. Does it say anywhere that you can delegate**  
 4 **this off to someone else and not be responsible for**  
 5 **it?**  
 6 **MR. NEWMAN:** Objection, calls for a legal  
 7 conclusion.  
 8 You can answer, Darci.  
 9 **THE WITNESS:** I don't know.  
 10 **BY MR. EVANS:**  
 11 **Q. Okay. Well, it says, "You must establish."**  
 12 **Do you know who "you" is referring to?**  
 13 A. No.  
 14 **Q. No? Okay. So, let's go back up here. So,**  
 15 **what's the title of this from the May 20th transmittal**  
 16 **letter?**  
 17 A. "Supervisor's Safety Handbook."  
 18 **Q. So, who do you think it's referring to in**  
 19 **"you"?**  
 20 A. Management, in general.  
 21 **Q. Would that have included you in your role back**  
 22 **in the Centennial branch in January of 2019?**  
 23 A. I would suppose so.  
 24 **Q. Okay. So -- so, then, it's saying "you," when**  
 25 **you says, "you must establish," that's you as the**

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1 **supervisor, correct?**  
 2 A. Yeah, I guess so.  
 3 **Q. Okay. All right. Let's take a look here at**  
 4 **Exhibit 6. Okay.**  
 5 **MR. NEWMAN:** Alex, is this another  
 6 document that you found somewhere on the Internet  
 7 and didn't provide to us?  
 8 **MR. EVANS:** Possibly.  
 9 **BY MR. EVANS:**  
 10 **Q. Okay. Darci, this is a U.S. Postal Service**  
 11 **transmittal letter, May 15th, 1998. It says it's the**  
 12 **"Floors, Care and Maintenance" handbook. Have you ever**  
 13 **seen this?**  
 14 A. No.  
 15 **Q. Okay. Is there a Floors, Care and Maintenance**  
 16 **Handbook?**  
 17 A. I don't know.  
 18 **Q. Okay.**  
 19 **ZOOM OPERATOR:** Alex, this is Carianna  
 20 with Fisher Court Reporting. Could we take a small  
 21 break?  
 22 **MR. EVANS:** Sure.  
 23  
 24 (Discussion off the record.)  
 25



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1 BY MR. EVANS:

2 Q. Okay. All right. So this has been marked as  
3 -- well, let me scroll down there so we can see that  
4 page. 6-3.

5 Darci, can you read the first paragraph where  
6 it says, "INTRODUCTION"?

7 A. "Snow causes walkways, steps, driveways, and  
8 parking areas to become hazardous. Attention must be  
9 given to areas where customers or employees may slip and  
10 fall or where driving conditions are hazardous. The  
11 timely removal of snow and ice is an absolute necessity  
12 to avoid serious injury to customers or employees.  
13 Ensure proper and adequate training is provided to all  
14 employees who operate snow blowers or snow-removal  
15 equipment. The manufacturer's operating and maintenance  
16 instructions should be followed precisely and used to  
17 instruct in proper operation."

18 Q. Okay. So, what, according to this document,  
19 which appears to be the U.S. Postal Service Maintenance  
20 Handbook, Floors, Care and Maintenance, back to May  
21 15th, 19 -- 1988. 1988, according to it, what happens  
22 to walkways, steps, driveways, and parking areas when  
23 snow hits it?

24 MR. NEWMAN: Hold up one second, Darci.  
25 I'm going to object on the basis of a

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1 lack of foundation, on the basis of this document  
2 was not produced in discovery, on the basis that  
3 there is no indication, whatsoever, that the  
4 document was in place and applicable in 2019, 31  
5 years after this transmittal letter.

6 But, Darci, if you know the answer, go  
7 ahead and answer it.

8 THE WITNESS: And what did -- what was  
9 the question?

10 BY MR. EVANS:

11 Q. What happens to walkways, according to this  
12 document? Walkways, steps, driveways, and parking  
13 areas, when snow hits it?

14 A. They become hazardous.

15 Q. They become hazardous. What does that mean to  
16 you?

17 A. Hazardous.

18 Q. Yeah. What --

19 A. (Shrugs shoulders) It's -- it's hazardous.

20 Q. Can you explain?

21 A. Unsafe. Unsafe.

22 Q. Unsafe. Okay. All right. Unsafe.

23 Uhm, it says, "The timely removal of snow and  
24 ice is an absolute necessity to avoid serious injury to  
25 customers or employees."

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1 Do you agree or disagree with that  
2 statement?

3 A. I agree.

4 Q. Okay. Is snow and ice a problem in  
5 Billings?

6 MR. NEWMAN: Objection.

7 THE WITNESS: It can be, I guess.

8 BY MR. EVANS:

9 Q. It can be?

10 A. It can be -- it can be anywhere.

11 Q. It snows in Billings -- it snows in Billings,  
12 correct?

13 A. Yes.

14 Q. Okay. So, it can be a hazard, if it's on --  
15 on parking areas. It can be unsafe, correct?

16 A. Snow can be? Yes.

17 Q. Okay. Can you read the paragraph, then, "SNOW  
18 AND ICE REMOVAL PLAN"?

19 A. "In areas where snow and ice present a  
20 problem, establish a snow and ice removal plan. If  
21 possible, begin snow and ice removal before the snow and  
22 ice is walked on. This prevents employee/customer  
23 injuries, and makes removal easier. Once snow is walked  
24 or driven on, it becomes packed and is much harder to  
25 remove. Review snow and ice removal plans to ensure

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1 that they are adequate and that employees are properly  
2 trained in snow and ice removal methods and the  
3 operation of snow and ice removal equipment."

4 Q. Okay. According to this document, is the snow  
5 and ice removal plan discretionary?

6 MR. NEWMAN: Objection, calls for a legal  
7 conclusion.

8 You can answer, though, if you know.

9 THE WITNESS: I don't know. Yeah, I  
10 don't know.

11 BY MR. EVANS:

12 Q. And it reads, "Where snow and ice present a  
13 problem," would you agree that ice and snow is -- can be  
14 a problem in Billings?

15 A. Yes.

16 Q. And then it says, "Establish a snow and ice  
17 removal plan." Does it say "you may" or "you should"?

18 A. It just says, "Establish a snow and ice  
19 removal plan."

20 Q. And "establish" to you, is that a  
21 discretionary or a mandatory function?

22 MR. NEWMAN: Objection, calls for a legal  
23 conclusion.

24 THE WITNESS: I don't know.

25 BY MR. EVANS:



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1 **Q. Is there any language in there that implies**  
2 **that it's discretionary?**  
3 A. Not that I can see.  
4 **MR. NEWMAN:** Objection, calls for a legal  
5 conclusion.  
6 Come on, Alex.  
7 **BY MR. EVANS:**  
8 **Q. And did the Centennial office have a snow and**  
9 **ice removal plan?**  
10 A. Yes, through the contractor.  
11 **Q. Did it have its own plan?**  
12 A. That is the plan at Centennial station, it's  
13 contract.  
14 **Q. Is it written out? Is there a written plan?**  
15 A. Through the contract, yes.  
16 **Q. Okay. Here, again, you're avoiding the**  
17 **question, which is did the Centennial office have its**  
18 **own snow and ice removal plan?**  
19 A. It's through the contract. Yes, they did.  
20 Yes.  
21 **Q. And who has that plan?**  
22 A. The contractor.  
23 **Q. The contrac -- so, that's the contractor's**  
24 **plan. That's not Centennial's plan.**  
25 A. It's the contract for Centennial Station.

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1 **Q. Right. And the contract doesn't cover all**  
2 **snow and ice conditions; isn't that correct?**  
3 A. From what I saw --  
4 **MR. NEWMAN:** Objection. Misstates the  
5 con- -- one second, Darci. That question misstates  
6 the contents of the contract.  
7 You can answer.  
8 **BY MR. EVANS:**  
9 **Q. Go ahead, Darci.**  
10 A. The question, again?  
11 **Q. I said, the contract doesn't cover all snow**  
12 **and ice removal, does it?**  
13 A. I -- I haven't fully read the contract.  
14 **Q. From what we -- you saw before, you agreed**  
15 **that it didn't cover snow of less than two inches,**  
16 **correct?**  
17 A. Right.  
18 **Q. Okay. And Centennial doesn't have its own**  
19 **plan for snow and ice of less than two inches?**  
20 A. Well, like I said earlier, uhm, we would go  
21 out, uhm, put ice melt down when needed.  
22 **Q. Okay.**  
23 A. But there wasn't anything put in --  
24 **Q. No written plan.**  
25 A. Written.

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1 **Q. Okay. We will go ahead and take a look at**  
2 **Exhibit 7 here. Okay. This has been marked as Exhibit**  
3 **7. Let's see here. And this is Handbook EL-801,**  
4 **Supervisor's Safety Handbook, June 2008.**  
5 **MR. NEWMAN:** Alex, what's the Bates  
6 Number reference on this document?  
7 **MR. EVANS:** Uh, unsure.  
8 **MR. NEWMAN:** "Unsure" as in there is  
9 none, because you haven't produced it?  
10 **MR. EVANS:** Yeah. Here, again, it's  
11 public available information. See right there?  
12 **MR. NEWMAN:** As we were on this  
13 deposition, Alex, I went to that website, and it's  
14 an internal website. So, I'm not sure where you  
15 got this, so I'm not -- it's uncertain whether this  
16 is even an official document.  
17 **MR. EVANS:** Well, I'm pretty sure it's  
18 official.  
19 **BY MR. EVANS:**  
20 **Q. Darci, do you recall, have you ever seen**  
21 **something similar to this? Supervisor's Safety**  
22 **Handbook?**  
23 A. Yes.  
24 **Q. Okay. Does this table of contents look**  
25 **familiar?**

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1 A. Yes.  
2 **Q. Okay. We are going to go to Exhibit 7-9.**  
3 **That's pretty similar to another updated similar**  
4 **handbook. Do you recall seeing a similar statement?**  
5 A. You had me read it earlier.  
6 **Q. Okay. So, does that look pretty similar to**  
7 **before?**  
8 A. Yes.  
9 **Q. Okay.**  
10 A. It's the handbook.  
11 **Q. And these are the Seven Keys To Good Safety**  
12 **Supervision?**  
13 A. Yes.  
14 **Q. Okay. I wanted to direct your attention to**  
15 **7-12. Have you seen something similar to this before?**  
16 A. No. I don't recall it.  
17 **Q. It's "Caution and Warning Signs."**  
18 A. I haven't seen it before. I haven't read that  
19 part.  
20 **Q. Haven't seen it before?**  
21 A. No.  
22 **Q. At the Centennial Post Office, do you have any**  
23 **caution or warning signs there?**  
24 A. We do. We do.  
25 **MR. NEWMAN:** Objection; vague.

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1 **BY MR. EVANS:**

2 **Q. Okay. What type of caution or warning signs**  
3 **do you have?**

4 A. Uhm, the yellow ones, like, for the custodian  
5 would use if the lobby was wet. Wet floors.

6 **Q. Okay. Any other ones?**

7 A. Uhm, not that I'm aware of. I mean, out in  
8 the parking lot there would be, like, handicap signs.

9 **Q. Okay. Do you have anything that you put**  
10 **out -- you've talked about before putting ice melt down**  
11 **on sidewalks. Do you have any type of warning sign that**  
12 **you use for those?**

13 A. Not that I recall. Unless they put out the  
14 yellow warning signs that they would use inside. I  
15 don't remember, though.

16 **Q. Who is "they"?**

17 A. The custodian.

18 **Q. The custodian?**

19 A. The custodian.

20 **Q. Can you recall any time when you worked at the**  
21 **Centennial Post Office that someone put out the warning**  
22 **signs on the sidewalk?**

23 A. Yes.

24 **Q. Okay. When would they do that?**

25 A. If there was a reason to warn somebody of a

1 A. I do not.

2 **Q. Okay. Let me just make sure. Are you aware**  
3 **of a witness statement in this case?**

4 A. No.

5 **Q. No? I'm going to share another exhibit here.**  
6 **Are you familiar with or do you know Matthew Ponce?**

7 A. No.

8 **Q. Okay. I'm just going to point you to a few**  
9 **lines here. First, on Exhibit 9-3, Line 15. So, let's**  
10 **see here. Okay. And the -- the witness is saying,**  
11 **"So, can you describe for me, you know, what**  
12 **the weather was like that day?**

13 **"It was -- from what I remember, it was very**  
14 **cold that day.**

15 **"Yeah.**

16 **"And the, the ground, everything was frozen-**

17 **"Okay.**

18 **"...because it had frosted over at night."**

19 **Any reason to disagree with the statement of**  
20 **the witness who is describing the weather at the**  
21 **Centennial Post Office there the morning of January 4th**  
22 **of 2019?**

23 A. Is there any reason to disagree with him?

24 **Q. Yeah. Yeah, based upon what you remember that**  
25 **day?**

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1 hazard.

2 **Q. Okay. And on January 4th, 2019, do you recall**  
3 **if anyone put out warning signs or hazard signs?**

4 A. I don't recall.

5 **Q. Okay. And a hazard, we -- according to the**  
6 **handbook, snow on a parking surface is hazardous,**  
7 **right?**

8 A. It could be.

9 **MR. NEWMAN:** Objection. Oop, one sec.

10 **THE WITNESS:** Sorry.

11 **MR. NEWMAN:** Objection -- I renew the  
12 objections made with respect to the handbook  
13 provisions, where they have not been produced, and  
14 they are not -- there's no indication that they  
15 were in force and effect at the time of this  
16 accident, and Ms. Spitzer lacks foundation to  
17 answer it.

18 Answer it, if you know the answer.

19 **THE WITNESS:** It can be. I suppose.

20 **BY MR. EVANS:**

21 **Q. You said snow, before, on a parking surface**  
22 **can be unsafe, correct?**

23 A. I suppose it can be.

24 **Q. Do you recall the weather at all on January**  
25 **4th of 2019?**

1 A. I don't remember that day, so I --

2 **Q. Okay.**

3 A. -- so I wouldn't know.

4 **Q. Okay. And it says,**  
5 **"Was there any kind of precipitation leading**  
6 **up to that; snow, rain, anything like that?"**

7 **And he said, "You know, I don't know if there**  
8 **was, honestly. Um, I know that there was snow on the**  
9 **ground previously. I don't know if it snowed or rained**  
10 **the night before."**

11 **Do you recall it snowing or raining the night**  
12 **before?**

13 A. I don't recall.

14 **Q. Okay. So, then he's describing outside of the**  
15 **building. And we are on Exhibit 9-4, Line 7.**

16 **Can you see that, Darci?**

17 A. Yep.

18 **Q. The investigator asks,**  
19 **"So now you're out on this side of the**  
20 **building. Um, can you describe the condition of the lot**  
21 **or the area that you guys were helping her?**

22 **"Oh, it was really icy and snow.**

23 **"Okay. And did that cause any problems for**  
24 **you guys or make any, anything difficult as far as**  
25 **trying to help her?**

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1 "Well, I remember just getting over there was,  
2 was not easy with the vans. And then once we got out to  
3 go help her, we were sliding all over."

4 Is there anything that you remember from that  
5 day that makes you disagree with the statement that  
6 there was ice and snow on the parking lot, at the  
7 Centennial parking --

8 A. I don't --

9 Q. At the Centennial parking -- the Centennial  
10 Post Office?

11 A. I don't remember that day.

12 Q. Okay. So, you wouldn't have -- you wouldn't  
13 have anything to share that would disagree with this  
14 statement?

15 A. No.

16 Q. Okay. And, then, Exhibit 9-5, it says here on  
17 Line 9,

18 "Can you recall seeing any kind of temporary  
19 signage indicating that it was an unsafe area to walk?"

20 "No."

21 Here, again, do you have anything that would  
22 make you disagree with that statement?

23 A. No, I don't remember --

24 Q. That you can recall?

25 A. I don't remember that day.

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1 Q. Okay. I'm going to share with you Exhibit 10.  
2 Come on, share screen.

3 Darci, have you seen this before?

4 A. Uhm... (Viewing document) Uhm, I -- I think  
5 I remember something like that. It was blocking our,  
6 uhm -- they had pushed the snow up against our, uhm --  
7 the opener, the keypad to open our garage, and the  
8 carriers couldn't reach it. So they had to move it out  
9 of the way so we could get in the garage. If I remember  
10 that right.

11 Q. And this was produced in the subpoena by JLL.  
12 I'll kind of go over a couple of things.

13 Who is Jeanne Fetch?

14 A. She is our postmaster secretary.

15 Q. Jeanne Fetch?

16 A. Yes.

17 Q. Okay. Was she the contact person for JLL?

18 A. Uhm, I don't know. I don't -- I wouldn't  
19 think so, but...

20 Q. Okay. All right. And, then, 2250 Grant Road,  
21 that's the Centennial --

22 A. Yes.

23 Q. -- Post Office, correct?

24 A. Yes.

25 Q. And you would have been working there at that

1 time, correct?

2 A. Uhm, when was it? March 19 -- yes.

3 Q. It looks like the date this was created and  
4 then due by was March 6th, and then due by March 8th.

5 Okay. So, let me ask you a little bit about  
6 this. Who -- who is Command7?

7 A. Uhm, the contractor, or the contractor who  
8 contracted the contractors. I don't know.

9 Q. Okay. So, this says, "ASSIGNMENT," "Assigned  
10 To Command7." "Specialty Remove Snow Off Site." And  
11 the e-mail, that's a Postal Service e-mail address,  
12 right?

13 A. Which one?

14 Q. The J -- llusps@ -- j -- @command7.com?

15 A. That's not a Postal Service e-mail, no.

16 Q. No? So, do you have any idea who  
17 "command7.com," what that is?

18 A. No.

19 Q. No. Okay. All right. I'm trying to  
20 understand this. Uhm, so, we have the date created,  
21 March 6th, 2019, due by March 8th, 2019. Work  
22 completed, March 18th of 2019.

23 All right. Do you know why the work didn't  
24 get done until ten days after the fact?

25 A. I do not.

1 Q. Okay. Who was doing the work?

2 A. I -- I don't remember the name of the  
3 contractor who was removing the snow. I don't remember  
4 them. It was a local -- a local company.

5 Q. But it was a contractor. So -- so -- so I  
6 understand what's happening here, Jeanne is contacting  
7 Command7, and Command7 is the contractor?

8 A. I don't know.

9 Q. Okay. Who would know?

10 A. The -- whoever set up the contract would know  
11 who these people are.

12 Q. Okay. But you didn't know, as the one -- the  
13 head person at the Centennial Post Office?

14 A. No, I don't know who Command7 is. It goes  
15 through the facility's -- you know, the national  
16 facility's -- who sets up contracts for the Postal  
17 Service.

18 Q. Okay. So, I'm trying to -- so, Jeanne is  
19 contacting Command7. Command7 is not JLL. It's someone  
20 else, entirely.

21 A. I'm assuming.

22 Q. Okay. But you don't -- you don't know.

23 A. I don't know.

24 Q. Okay. All right. So, we don't know where  
25 Jeanne's request goes to, whether it's a third-party,

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1 **non-government official or a government official.**  
 2 A. Right.  
 3 **Q. Okay. It just goes somewhere, and someone was**  
 4 **supposed to do this by March 8th.**  
 5 **There is some pictures here on 10-1. Do you**  
 6 **want me to zoom in on them? Can you see that?**  
 7 A. I can see them.  
 8 **Q. Okay. I'm going to zoom in a little bit.**  
 9 **Is that the Centennial office?**  
 10 A. The middle one? Are you talking about the  
 11 middle one?  
 12 **Q. Yeah, there is three of them there. So --**  
 13 A. Let me see -- I recognize the one on the  
 14 right. That's the garbage can in the garage area.  
 15 **Q. Okay.**  
 16 A. And, obviously, the one on the left has the  
 17 "Postal Service" sign, so I would assume that that's  
 18 Centennial. I can't read it.  
 19 **Q. Okay.**  
 20 A. But I don't know what the middle picture  
 21 specifically is.  
 22 **Q. The yield sign. I'm going to zoom in on that.**  
 23 **Does that help at all?**  
 24 A. (Viewing photo) No. I --  
 25 **Q. Okay. All right. Do you recognize these**

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1 **pictures?**  
 2 A. Yes.  
 3 **Q. Okay. Can you describe what these pictures**  
 4 **are?**  
 5 A. That's the front of the post office,  
 6 Centennial Post Office.  
 7 **Q. Which picture do we got here? Yeah, we have**  
 8 **three pictures. We've got a left, middle, and right.**  
 9 **Let me see if I can stretch this out a little bit.**  
 10 A. So, the -- yeah. Okay. The right one, I am  
 11 not sure exactly where that is at. I don't know what  
 12 that one is. The middle one is the front, and the left  
 13 one is the side.  
 14 **Q. Okay.**  
 15 A. No, that's the front, too. It's a picture of  
 16 the very front of the post office.  
 17 **Q. That's the -- the very front.**  
 18 A. Yep.  
 19 **Q. Okay. Do you know what the weather was like**  
 20 **around that time?**  
 21 A. I don't know when these were taken.  
 22 **Q. Okay. Well, some time between March 6th**  
 23 **and -- and March 18th, right? Because March 18th,**  
 24 **project completed. March 6th, it was assigned.**  
 25 **MR. NEWMAN: Object. That's an**

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1 assumption based on the exhibit. There is no --  
 2 there is no date on the photos, Alex, so I don't  
 3 know how we know when these were taken.  
 4 **MR. EVANS: Yeah. Fair point.**  
 5 **BY MR. EVANS:**  
 6 **Q. But it was produced within the document for**  
 7 **the work order of March 6th. Okay. So, the two**  
 8 **pictures on the middle of the right, that's the front of**  
 9 **the post office, correct?**  
 10 A. Yes.  
 11 **Q. Okay. Let me zoom in a little bit here.**  
 12 **Okay. Would you agree that there is snow and ice on the**  
 13 **sidewalk there in front of the post office?**  
 14 A. Uhm, I can't really see the -- if it's on the  
 15 curb or on the sidewalk. I don't know.  
 16 **Q. Okay. There in that middle one, left.**  
 17 **Isn't -- isn't that snow and ice on the sidewalk?**  
 18 A. Uhm, well, yeah, it's on there. I don't know  
 19 if it's on the sidewalk or the curb, because it's a  
 20 drive-up right there.  
 21 **Q. Okay. Why -- had -- was that the custom, to**  
 22 **have snow and ice on the curb?**  
 23 A. Oh, well, if it's snowed, there would be snow  
 24 on the curb.  
 25 **Q. It wouldn't get removed?**

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1 A. Yeah, it would. It looks like it had been.  
 2 **Q. Okay. But there is -- part of it is still**  
 3 **there, correct?**  
 4 A. Yes.  
 5 **Q. And -- and it appears that part of it is**  
 6 **shaded?**  
 7 A. Yes.  
 8 **Q. Okay. So part of it has not been removed.**  
 9 A. It looks like it.  
 10 **Q. And was that a normal, customary practice?**  
 11 A. No. That's not a -- right there is not a  
 12 customer entrance, either.  
 13 **Q. Okay. Does that matter?**  
 14 A. It's not an entrance anywhere. No, it's not  
 15 an entrance anywhere.  
 16 **Q. Okay.**  
 17 A. But, yeah.  
 18 **Q. And, then, right here, this -- this is an**  
 19 **entrance, correct? On the right side of the picture?**  
 20 A. It's the -- the entrance is on the right --  
 21 very, very right side.  
 22 **Q. Very, very right side. So, more -- more over**  
 23 **here?**  
 24 A. Right.  
 25 **Q. Okay. And if I put my arrow -- do you see my**



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1 arrow?  
 2 A. Uh-huh. Yep.  
 3 Q. Is that by the entrance?  
 4 A. That's the entrance.  
 5 Q. Snow and ice there?  
 6 A. Uhm, behind the -- there, yes. But it's a --  
 7 it's a side door. It's not -- that's not the door, that  
 8 you're, like, pointing at.  
 9 Q. Okay.  
 10 A. That's, like, windows.  
 11 Q. But there is snow and ice there.  
 12 A. Yes, there is.  
 13 Q. Okay. And as we previously discussed in the  
 14 handbooks, it's considered hazardous.  
 15 A. Yes.  
 16 Q. Okay. So, in this picture, you can clearly  
 17 see hazardous snow and ice near an entrance in the  
 18 Centennial Post Office.  
 19 A. And there is grass right there, so I'm not  
 20 sure if that's the grass. There is not really a  
 21 walkway, but there is some grass there. So, I'm not  
 22 sure if that's the snow that's on the grass, or -- or  
 23 not.  
 24 Q. Okay. So, let's kind of zoom out here. And  
 25 the middle and the right picture, that's the -- the same

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1 area, correct?  
 2 A. Yes.  
 3 Q. Okay. So, let's zoom in to the middle one.  
 4 And where that snow and ice is there, the middle one,  
 5 where my arrow is by the boxes --  
 6 A. Right.  
 7 Q. -- there -- there is snow and ice clearly up  
 8 by the boxes, correct?  
 9 A. Some, yes.  
 10 Q. And that's on the sidewalks, correct?  
 11 A. Yes.  
 12 Q. Okay. So, was it the normal, customary  
 13 practice for -- in the wintertime, for snow and ice to  
 14 be in or around the post office in these areas?  
 15 A. Was it normal practice? No.  
 16 Q. Okay. So this was an anomaly?  
 17 A. Yes.  
 18 Q. Okay.  
 19 A. I mean, this could -- I don't remember this  
 20 year. There was one year we had a -- a lot of snow.  
 21 And I don't remember if that was the year, or not,  
 22 though.  
 23 Q. Okay. I'm going to share another exhibit  
 24 here. It's been labeled as Exhibit 11. And this was  
 25 produced by JLL. And let's see here. So, you have

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1 been -- we are looking through a couple pages here.  
 2 It's difficult, because it's disjointed as far as how it  
 3 printed out.  
 4 But the -- the requester here, that's you,  
 5 Darci Spitzer; is that correct?  
 6 A. That's my name.  
 7 Q. Okay. So you are the one, two, three, four,  
 8 five, six -- seventh person down. And -- and these are  
 9 various requests here. Do you see this? For the  
 10 Billings Centennial, that they have requested JLL.  
 11 So, it looks like both you -- who is the  
 12 officer in charge?  
 13 A. I don't know.  
 14 Q. Okay. And Jeanne Fetch, who is Jeanne,  
 15 again?  
 16 A. She is the postmaster's secretary.  
 17 Q. Postmaster's secretary. Okay. So, we go one,  
 18 two, three, four, five, six -- seven down. Here, again,  
 19 you were listed as the contact person. Do you remember  
 20 telling Jeanne Fetch to call the contractor to let them  
 21 know that plowing in the customer parking lot needed to  
 22 be done?  
 23 A. I don't recall that, no.  
 24 Q. Okay. Did -- did Jeanne Fetch know who to  
 25 call, as far as the contractor and that type of thing?

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1 A. I don't know.  
 2 Q. You don't know --  
 3 A. She must have. She must have.  
 4 Q. Okay. So -- so, then, it looks like, I mean,  
 5 someone reported from your post office to come and have  
 6 it removed, but you don't know who that was?  
 7 A. The only thing that I recall, like I said,  
 8 was, uhm, the snow by that keypad to get into the  
 9 garage.  
 10 Q. Okay. Was that you?  
 11 A. I don't know -- there is no dates on this  
 12 document, so I don't know even what day this would have  
 13 been called in. I don't know. Doesn't it say 2017 and  
 14 2018, so was it even that year? I don't know.  
 15 Q. Well, let me look again. One, two, three,  
 16 four, five, six, seven. So, that's -- it looks like  
 17 that that would have been 2017. But they had here,  
 18 then, the March 6th, 2019, which the -- the incident  
 19 with the snow thing.  
 20 A. The keypad, yeah.  
 21 Q. Yeah. So -- so, did you ask Jeanne to make  
 22 the phone call to the contractor?  
 23 A. Uhm, I don't recall.  
 24 Q. Okay.  
 25 A. If I did or not. I don't recall.



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1 **Q. What were your interactions ever with**  
 2 **Ms. Jeanne?**  
 3 A. Uhm, she is a secretary.  
 4 **Q. Okay.**  
 5 A. So, I may -- I may have called her to, uhm,  
 6 find out how I could get ahold of them, and she probably  
 7 took care of it for me. She was the secretary.  
 8 **Q. Okay. Did you ever ask Jeanne to get ahold of**  
 9 **them before January 4th of 2019?**  
 10 A. I don't recall. No.  
 11 **Q. Okay. So, we have here work orders dating**  
 12 **from 10/4 of 2017 through March 6th of 2019. And if we**  
 13 **look back here, then, uhm, it lists Jeanne Fetch and the**  
 14 **officer in charge.**  
 15 **Who would have been the officer in charge for**  
 16 **the Centennial Post Office?**  
 17 A. When?  
 18 **Q. During 2000 -- 2017 through March of 2019?**  
 19 A. Me.  
 20 **Q. "Me"? Okay, you?**  
 21 A. It would be -- yes, that would be me.  
 22 **Q. Okay. So, whose -- do you know whose e-mail**  
 23 **address is 59102mtbillings@usps.gov?**  
 24 A. It's probably just a -- that might be, uhm --  
 25 it's, like, an account that everybody who is assigned to

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1 that zip code gets e-mails, like, a -- a general,  
 2 anybody whose assigned to 59102 would get those  
 3 e-mails.  
 4 **Q. Did you have access to that e-mail?**  
 5 A. I don't know.  
 6 **Q. Okay. The phone Number, 406-657-5732?**  
 7 A. That was the Centennial -- Centennial  
 8 Station's phone number.  
 9 **Q. Was that just a general phone number, or did**  
 10 **that go to a specific person?**  
 11 A. Nope, that's just the general number. It  
 12 was.  
 13 **Q. Okay. Okay. So, and you never remember**  
 14 **making a specific request to the contractor.**  
 15 A. No, I don't.  
 16 **Q. Do you know if -- why -- if you never made a**  
 17 **specific request, why they would have you specifically**  
 18 **listed with your e-mail address?**  
 19 A. Probably, because I was the manager there.  
 20 **Q. Okay. But -- and these other ones they have**  
 21 **listed "Officer in Charge" without a specific name.**  
 22 A. I don't know why. I don't know.  
 23 **Q. Okay. Okay. And on this report, as far as**  
 24 **the snow removal, it says that the -- it was completed**  
 25 **here on March 6th of 2019. If you remember that form,**

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1 the form says it was started March 6th, due by March  
 2 8th, and then it said the form was done on March 18th.  
 3 **Do you know which one of those is accurate?**  
 4 A. No.  
 5 **Q. Do you know if they came out and completed it**  
 6 **right away, or did 12 days go by?**  
 7 A. I don't remember.  
 8 **Q. Okay. So, on some of these other, as far as**  
 9 **requests, it lists as far as the tasks, "Provide**  
 10 **Shovel/Salt/Sand." "Provide Shovel/Salt/Sand."**  
 11 **Salt/Sand." "Plow." Do you see that on Exhibit 11-5?**  
 12 A. I can see what you're showing me, yes.  
 13 **Q. Okay.**  
 14 A. I don't know who it's for.  
 15 **Q. Okay. So -- well, and if you go back -- and,**  
 16 **I'm sorry, the spreadsheet that they provided was**  
 17 **horizontal, and then to put it together it comes out**  
 18 **vertical. Uhm, but those were -- when we take a look**  
 19 **here, are these other post office addresses that you**  
 20 **recognize? Aviation Place, 1st Avenue, Wicks Lane,**  
 21 **South 26th, 15th Street?**  
 22 A. Yes, those are other post offices.  
 23 **Q. Those are. Okay. All right. And, so, then,**  
 24 **in these work orders, it would appear that these other**  
 25 **post offices had asked for the contractor to come out**

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1 **and provide additional services.**  
 2 **Did you know that that was available to you?**  
 3 A. I don't recall.  
 4 **MR. NEWMAN:** Objection. The question  
 5 mischaracterizes the exhibit. Alex, I think that  
 6 there is "Salt/Sand" at 3/7/19, that's Centennial,  
 7 is it not? It's hard to tell, the way you've got  
 8 this thing organized, but...  
 9 **MR. EVANS:** This is how I got it.  
 10 **MR. NEWMAN:** Well, right. But it's very  
 11 confusing with respect to what -- what tasks apply  
 12 to what locations, when you can't see them  
 13 side-by-side. So, you're asking her a question  
 14 about other -- other sites asking for services, but  
 15 I actually think that one of the services was from  
 16 the Centennial site, but we just can't tell.  
 17 **BY MR. EVANS:**  
 18 **Q. Yeah. So, 3/7/2019 is the only one that**  
 19 **matches up with the Centennial. So -- but these other**  
 20 **dates, then, it would appear, would it not, that the**  
 21 **contractor has come out and provided shoveling, salting,**  
 22 **and sanding services for these other post offices.**  
 23 A. That, I -- is this a spreadsheet showing when  
 24 they completed work? Not necessarily that they were  
 25 called, but that they completed the work? I don't

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1 know.  
 2 Q. So, I hear you. It's not my spreadsheet, but  
 3 it's specific work orders that have been requested. So,  
 4 there is -- there is the requester on Exhibit 11-1, and  
 5 then work that was subsequently performed.  
 6 A. Is there a question?  
 7 Q. Yeah. My question is, other post offices  
 8 appear to have utilized this service of calling in to  
 9 doing additional shoveling, plowing, et cetera. Were  
 10 you aware that that was available to you?  
 11 A. I wasn't aware.  
 12 Q. Okay. All right. Okay. This is an invoice  
 13 from JLL. Did you ever get these invoices?  
 14 A. Uhm, no, I don't remember getting those.  
 15 Q. Okay. So, I'll just show to you the exhibit.  
 16 Do you ever recall seeing something like this? Ever get  
 17 that, or dealing with that?  
 18 A. No.  
 19 Q. No? Okay.  
 20 Maybe, you can or cannot answer this question.  
 21 On the Grant Road, the JLL monthly bill rate was 1,443.  
 22 Was -- was that a monthly fixed rate, or was that  
 23 variable, depending on the work that was actually  
 24 done?  
 25 A. That, I don't know.

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1 Q. Okay. And, then, that was for January. Let  
 2 me see if I can pull it -- this is a March 2019 invoice.  
 3 Here, again, does this look at all familiar?  
 4 A. No.  
 5 Q. Okay. And, again, you see the same rate,  
 6 1,443. Do you know if that was a fixed or a variable  
 7 rate?  
 8 A. I don't know.  
 9 Q. Okay. So, you didn't handle any -- any of  
 10 that, or review any invoices, or anything else, from  
 11 JLL?  
 12 A. No.  
 13 Q. Oh, this is -- I apologize in advance, you are  
 14 not going to like this one. This is kind of difficult  
 15 to see here. Oh, darn, it's not letting me. And I'm  
 16 just about wrapped up here. If I can get this exhibit  
 17 to -- let me close it, and open it again. I've got two  
 18 more exhibits that I wanted to review.  
 19 Okay. There we go. Okay. Okay. Can you see  
 20 this one?  
 21 A. Yes.  
 22 Q. Familiar -- are you familiar with it at all?  
 23 A. No.  
 24 Q. Okay. So, this is deicer materials for the  
 25 period -- invoice is February 2019; period of service

1 performed, January of '19. I'll move on to the second  
 2 page. And bear with me. Uh, for some reason this came  
 3 out super micro. And I highlighted the facility here.  
 4 This is -- in yellow, this is your facility, correct?  
 5 This is Centennial?  
 6 A. Yes.  
 7 Q. Okay. And, so, the invoice is for deicing.  
 8 That's the snowplowing they said they did, shoveling  
 9 areas, and then it goes to "Unit of Deicer." So, it  
 10 looks like, for the period of January of 2019, they  
 11 applied one bag of deicer. Any reason to disagree with  
 12 that, or any comments or thoughts?  
 13 A. I wouldn't know anything about it.  
 14 Q. Okay. Did -- did -- I mean, did -- how would  
 15 they apply -- the contractors, how would they apply the  
 16 deicer? Would that be on a truck in the parking lot?  
 17 What would they do there?  
 18 A. I don't know. I didn't -- I don't know what  
 19 they did.  
 20 Q. Okay. Do you know how they plowed?  
 21 A. Uhm, well, they had -- they had trucks with  
 22 plows on the front of them.  
 23 Q. Okay.  
 24 A. I believe.  
 25 Q. And did they have a -- you know, sometimes the

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1 trucks, they will have -- "a hopper" is probably not the  
 2 right term, but it's some type of feeder, then, that  
 3 shoots deicer off, like, the back of a truck. Would  
 4 they use that, or something else?  
 5 A. I don't know.  
 6 Q. Okay.  
 7 A. I don't know what they used.  
 8 Q. You never saw it, didn't pay attention?  
 9 A. Huh-uh.  
 10 Q. Okay. Fair enough.  
 11 Last exhibit here. Okay. So this is the  
 12 invoice for January 3rd, 2019. And, here again, it's  
 13 the deicer melt pass through. Oh, where --  
 14 MR. NEWMAN: Alex, I'm sorry to  
 15 interrupt. Would you mind going back to that first  
 16 page? I think that the service period --  
 17 MR. EVANS: Yeah.  
 18 MR. NEWMAN: -- is November of '18,  
 19 correct?  
 20 MR. EVANS: Yeah.  
 21 MR. NEWMAN: The period of service  
 22 performed, November of '18? Okay.  
 23 MR. EVANS: November of '18, but it's  
 24 the -- so, the -- see, the invoice between, there  
 25 is one in February of 2019, which it goes back to

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1 January, and then this is the one before it.

2 Does that make sense, John?

3 **MR. NEWMAN:** So, the previous one, the  
4 period of service performed said February of '19,  
5 or it said January of '19 there.

6 **MR. EVANS:** So, it said the period  
7 performed was January of '19, and in the invoice it  
8 was February. So, then, the period of service  
9 performed here is the one prior, and it's going  
10 '18, November. My assumption is, is that's  
11 November through January. I don't know that, so  
12 I'm trying to ask.

13 There -- there appears to be some type of  
14 gap that's not accounted for. Where I can see you  
15 have an invoice in February of 2019 that says we  
16 are going back to January of '19, and then you have  
17 an invoice in January of '19 that says period  
18 performed, '18, November. Well, okay, what  
19 happened to December?

20 Does that make sense?

21 **MR. NEWMAN:** Yeah. Sure.

22 **MR. EVANS:** (Chuckles) I don't know if  
23 it makes sense, or not.

24 **BY MR. EVANS:**

25 **Q.** Here, again, Darci, have you seen any of these

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1 **MR. EVANS:** All right. Those are all of  
2 the questions that I have.

3 **MR. NEWMAN:** If we could take five here  
4 real quick, and then come back, Darci? I just have  
5 a few questions for you, as well, but could use  
6 just a couple of minutes to stretch.

7 **THE WITNESS:** Okay. (Nods head  
8 affirmatively)

9 **MR. NEWMAN:** Okay? So we will go off the  
10 record, then, for a few.

11 (Recess taken.)

12 **MR. NEWMAN:** Okay. Darci, are you good  
13 to go?

14 **THE WITNESS:** I'm ready.

### 15 CROSS-EXAMINATION

16 **BY MR. NEWMAN:**

17 **Q.** Okay. During your testimony earlier, you  
18 mentioned the time that letter carriers would start, and  
19 I believe you mentioned 7:00 or 7:30.

20 Do you remember testifying about that?

21 A. Yes.

22 **Q.** Was the -- is the post office open at 7:00 or

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1 before?

2 A. No.

3 **Q.** No? Do you know who deals with this stuff?

4 A. Facilities. (Shrugs shoulders)

5 **Q.** Facilities?

6 A. They do all the contracting. Yeah.

7 **Q.** Okay. All right. And, then, let's see here.

8 Here, again, I don't -- I don't think -- it doesn't look  
9 like yours is listed, as far as I can tell.

10 Do you remember if, in November 2000 -- well,  
11 between November or December of '18, whether or not they  
12 came and iced during those time periods?

13 A. I -- I wouldn't know.

14 **Q.** Okay.

15 A. I don't remember.

16 **Q.** Yeah. And these all look like -- and, here,  
17 we're on Exhibit 14-3. Those all look like post office  
18 addresses, right? Various (indicating) post offices?

19 A. I recognize the ones in Billings.

20 **Q.** Okay. And Centennial is not on that list.

21 A. Not that I can see.

22 **Q.** Yeah. Okay. And do you recall them coming  
23 and deicing in December or November of 2018?

24 A. I don't remember.

25 **Q.** Okay.

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1 7:30 in the morning, the Centennial Station?

2 A. The lobby is open, but the window for  
3 customers is not open.

4 **Q.** Okay. You also testified about maintenance  
5 work orders and had a discussion with counsel regarding,  
6 sort of, the speed at which maintenance orders would be  
7 completed?

8 Does that sound familiar?

9 A. Yes.

10 **Q.** Did that discussion have anything to do with  
11 snow removal?

12 A. No.

13 **Q.** Now, you testified earlier that you knew  
14 nothing about the accident at issue in this case; is  
15 that right?

16 A. That's true.

17 **Q.** And, so, Ms. Bagley never contacted you or  
18 anyone at the Centennial Post Office when this  
19 occurred?

20 A. No.

21 **Q.** You discussed with counsel the lease agreement  
22 governing the property where the Centennial Post Office  
23 is located, and a number of purported handbook and  
24 manual provisions discussing snow removal and a snow  
25 removal plan?

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1 Do you recall that aspect of your testimony  
2 earlier?  
3 A. Yes.  
4 Q. My recollection of your testimony -- and  
5 correct me if I'm wrong, but your testimony was that, in  
6 your view, Centennial complied with the various  
7 provisions related to snow removal by contracting with a  
8 contractor to remove snow and ice, correct?  
9 A. Yes.  
10 MR. EVANS: Objection; misstates the  
11 testimony.  
12 BY MR. NEWMAN:  
13 Q. You can answer that question, Darci.  
14 A. Yes.  
15 MR. NEWMAN: Alex, if you would bring up  
16 Exhibit 4, and Page 13?  
17 MR. EVANS: (Complies)  
18 MR. NEWMAN: Would you -- okay. That's  
19 perfect.  
20 BY MR. NEWMAN:  
21 Q. Okay. Darci, you and Mr. Evans discussed the  
22 triggers for removing snow from the parking lot and the  
23 sidewalks, correct?  
24 A. Yes.  
25 Q. Below the sidewalks performed --

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1 "sidewalks-performed snow removal" row, do you see that  
2 row entitled, "Application of Deicer"?  
3 A. Yes.  
4 Q. And, so, what does that chart tell you about  
5 this performance standard, or when the contractor is  
6 supposed to apply deicer?  
7 A. Uhm, "Perform when ice is present."  
8 Q. So, in your mind, similar to the triggers  
9 above, what's the trigger for the contractor to apply  
10 deicer?  
11 A. When the ice is present.  
12 Q. And not any particular amount, just "present,"  
13 period?  
14 A. Yep, "present."  
15 Q. Do you have any knowledge regarding the  
16 mechanism that the plaintiff claims -- the mechanism of  
17 her fall? How she fell? How she claims to have  
18 fallen?  
19 A. No, I don't know. (Shakes head negatively)  
20 Q. At any time while you were at the Centennial  
21 Post Office, do you recall an unacceptable or a  
22 hazardous accumulation of snow or ice in the parking lot  
23 that wasn't taken care of by the contractor?  
24 A. Not that I recall.  
25 Q. Now, during your testimony, counsel asked you

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1 some questions about the Supervisor's Safety Handbook.  
2 Is the purpose of the Supervisor's Safety Handbook  
3 primarily to protect the safety of employees?  
4 A. Uhm --  
5 MR. EVANS: Objection; argumentative and  
6 Best Evidence Rule.  
7 BY MR. NEWMAN:  
8 Q. You can answer the question, if you know.  
9 A. I -- to my knowledge, and what I've used it  
10 for, it's mainly for employees.  
11 Q. Have you ever seen a caution or a warning sign  
12 in a parking lot in Montana in January?  
13 A. I really don't recall.  
14 Q. (Simultaneous talking)  
15 A. Yeah, I don't recall.  
16 Q. You testified earlier that you don't have a  
17 clear recollection of the weather conditions at the post  
18 office, the Centennial Post Office, on January 4th,  
19 2019; is it fair to say, then, that you don't have any  
20 distinct memory of a hazardous condition at the post  
21 office on that date?  
22 A. Yeah, I don't remember. Yeah, I don't recall  
23 any of it.  
24 Q. I want to ask you a few questions about how  
25 the contractor -- and it's my understanding that the

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1 subcontractor of JLL was this Command7 entity, a local  
2 entity in Billings. I want to ask you some questions  
3 about how they would, sort of, perform their work, and  
4 your interaction with them.  
5 So, would you get in touch with the contractor  
6 and tell them when to come plow or deice the parking  
7 lot?  
8 A. No.  
9 Q. Did you set the contractor's schedule?  
10 A. No.  
11 Q. Did you tell the contractor how to plow or  
12 deice the parking lot each time they came out?  
13 A. No.  
14 Q. Did you tell the contractor where to plow or  
15 deice the parking lot each time they came out?  
16 A. No.  
17 Q. Did you provide the contractor with the  
18 equipment to perform snow and ice removal?  
19 A. No.  
20 Q. Did you control the contractor's work in any  
21 way?  
22 A. No.  
23 MR. NEWMAN: Okay. Those are all the  
24 questions that I have. Thanks, Darci, appreciate  
25 it.



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1 **MR. EVANS:** Some follow-up.

2 **MR. NEWMAN:** Follow-up.

3  
4 **REDIRECT EXAMINATION**

5 **BY MR. EVANS:**

6 **Q. On the deicer, did the -- every time that**  
7 **there was ice present, did the contractor come and put**  
8 **deicer?**

9 A. I wouldn't know that. I don't know.

10 **Q. You don't know?**

11 A. I don't know.

12 **Q. Can you recall times that the parking lot was**  
13 **icy?**

14 A. Uhm, I suppose, yeah.

15 **Q. Okay. And those times that you recall that it**  
16 **was icy, you can't recall, then, the contractor coming**  
17 **to put more deicer on it?**

18 A. No, I don't recall them doing it.

19 **Q. Okay. But --**

20 A. I don't know.

21 **Q. Before today, you didn't know about that --**  
22 **that you had the ability to call the contractor. Wasn't**  
23 **that your testimony?**

24 A. Uhm, no. Yeah, I didn't -- can you say that  
25 again?

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1 **Q. Before today, you --**

2 A. I didn't know the --

3 **Q. You didn't know that you could call the**  
4 **contractor, did you?**

5 A. Uhm, I don't recall that I could or  
6 couldn't.

7 **Q. But you don't --**

8 A. I would -- I would contact, like, the post --  
9 the secretary to help me, if I had issues on who to  
10 call.

11 **Q. And you can only recall doing that once?**

12 A. Right.

13 **Q. Okay. And for Centennial, itself, it had no**  
14 **written ice and snow removal plan for just itself, aside**  
15 **from having someone else do it?**

16 A. Correct.

17 **Q. Okay. The pictures that we showed dating**  
18 **sometime between March 2019 -- March 6th, 2019 and March**  
19 **18th of 2019, do you think the parking lot and sidewalks**  
20 **were in an acceptable condition?**

21 A. Were in what condition?

22 **Q. Acceptable?**

23 A. Uhm, (shrugs shoulders) I can't say. I --

24 **Q. Did it look safe?**

25 A. Well, one -- the one picture it looked like it

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1 was sunny and all melted. In one of the pictures. And  
2 then the other. So I don't even know what time frame  
3 that was. If there is a lot of snow on the ground,  
4 there is snow on the ground.

5 **Q. Okay. Well, I'm asking, from the contents of**  
6 **the pictures, whether or not you thought it looked safe,**  
7 **the parking lot and the sidewalks?**

8 A. Uhm, I -- I don't know how to answer that. As  
9 safe as they can be. In those -- in weather conditions.  
10 Like, the second set of pictures look safe, because  
11 there -- the snow was melted.

12 **Q. Okay. So -- so, for the Centennial Post**  
13 **Office, in the second set of pictures, that was a safe**  
14 **and acceptable standard.**

15 A. It looked safe.

16 **Q. Okay.**

17 A. There wasn't any snow around the customer  
18 entrances, from what I can see.

19 **Q. Not hazardous?**

20 A. No.

21 **Q. (Nods head affirmatively) You stated, as a**  
22 **supervisor, you -- and I don't want to misstate here, so**  
23 **I apologize, and feel free to correct, but you had a**  
24 **duty to employees. Don't you have a duty to customers**  
25 **and everyone else who comes into the post office, as**

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1 well, too?

2 **MR. NEWMAN:** Objection, calls for --

3 **THE WITNESS:** I feel like I have a  
4 responsibility --

5 **MR. NEWMAN:** Hold up one second.

6 **THE WITNESS:** Yes.

7 **MR. NEWMAN:** It calls for a legal  
8 conclusion related to duty.

9 **BY MR. EVANS:**

10 **Q. Is your responsibilities limited to**  
11 **employees?**

12 A. I would say, no.

13 **MR. NEWMAN:** Same objection.

14 **BY MR. EVANS:**

15 **Q. And, so, you have a responsibility for the**  
16 **safety of customers?**

17 A. Yes, I would feel like I -- I feel like I'm --  
18 have a responsibility for the safety of everyone around  
19 me.

20 **Q. Okay.**

21 **MR. EVANS:** All right. No further  
22 questions.

23 **MR. NEWMAN:** None from me, either.

24 Thanks, Darci.

25 **THE WITNESS:** Uh-huh.

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1 **MR. EVANS:** Thank you, Darci.

2 **THE WITNESS:** I can get off? Am I done?

3 **MR. EVANS:** Yep.

4 **THE WITNESS:** Okay.

5  
6 (Read and sign.)

7  
8 (The deposition concluded at 12:18 p.m.)  
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1 C E R T I F I C A T E

2 STATE OF MONTANA )  
3 : SS  
4 COUNTY OF MISSOULA )

5 I, Julie DeLong, Registered Professional  
6 Reporter and Notary Public for the State of Montana,  
7 residing in St. Ignatius, Montana, do hereby certify:

8 That the foregoing pages of this transcript  
9 constitute a true and accurate transcription of the  
10 proceedings, all done to the best of my skill and  
11 ability.

12 IN WITNESS WHEREOF, I have hereunto affixed my  
13 electronic signature and my notarial seal on this the  
14 9th day of January, 2023.

15 /s/ Julie DeLong  
16 Julie DeLong, RPR  
17  
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19  
20  
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22  
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24  
25

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